

Minute Entry
Lisi, C.J.
July 21, 2008

**United States District Court
District of Rhode Island**

In Re: Kugel Mesh Hernia Products Liability Litigation
Multidistrict Litigation (MDL 1842)

MDL DOCKET NO. 07-1842-ML
All Cases

The monthly status conference was held on July 15, 2008. The conference was transcribed. The Court met with counsel and discussed the items listed on the agenda (docket # 1206).

ECF Issues

Mr. Migliori will serve as escrow agent for waivers of service filed in the individual cases in the transferring court. Notices of appearances and any notice of substitution of counsel will be docketed in the individual cases. Withdrawals of counsel will be filed in the main MDL case. In cases where counsel agree as to the substitution of a party, counsel should file the notice of substitution in the main MDL case and in the individual case. In cases where counsel do not agree, counsel should file a motion to substitute in the MDL case. If the parties have any further ECF filing questions they should contact the Court's calender clerk.

Document Production

Plaintiffs' counsel reported that they had received 555,000 pages of documents on July 15, 2008. This included 250,000 previously produced pages which now have been reproduced without redactions. Plaintiffs' counsel expressed some concern over the timing of Defense counsel's document production. The parties informed the Court that they are appearing before Judge Gibney of the Rhode Island Superior Court every two weeks with respect to the cases that have been filed in state court to update Judge Gibney on Defense counsel's progress in meeting its discovery obligations. Because counsel will be meeting once every two weeks with Judge Gibney, this Court ordered counsel to also meet with Magistrate Judge Almond on the same schedule to advise him of Defense counsel's progress in meeting its discovery obligations. If counsel on both sides agree that the production of documents is progressing in a satisfactory manner, they need not appear at a meeting but need only file a report with the Court notifying the Court that the bimonthly meeting is not required. For next month's meeting, Defense counsel shall inform the Court of the total number of documents its discovery vendor has and the total number of documents with search-term "hits."

Early Neutral Evaluation/Settlement Cases – Hyland and Swallow cases

Defense counsel will notify the Court by July 16, 2008, whether Defendants wish to continue the early neutral evaluation/settlement discussions in the Hyland and Swallow cases with Magistrate Judge Lovegreen.

The Court also reminded the parties that when the early neutral evaluation/settlement conferences are held that there should be an individual attending the conferences who has full settlement authority.

Proposed Non-Ring Break Product Failure Cases For Early Neutral Settlement/Evaluation

Plaintiffs' counsel clarified that the 10 cases identified are all migration cases. For the next meeting, Defense counsel are to be prepared to respond to Plaintiffs' position that the cases identified should proceed to early neutral settlement/evaluation. If Defense counsel have any questions regarding the nature of the defect in these cases, or any other question regarding information that was required to be provided to Defense counsel by Plaintiffs' counsel, Defense counsel should contact Plaintiffs' counsel before the next monthly meeting to determine if the question(s) can be answered by the parties without Court intervention.

Ring Break Cases

Plaintiffs' counsel shall forward to Defense counsel by July 18, 2008, a list identifying those cases which are identified as ring break cases.

Pending Motions Update

The Court held a hearing on two pending motions on July 15, 2008. At the hearing, the Court denied Defense counsel's motion to dismiss Count IV of the complaint (docket # 838) and granted in part Defense counsel's motion for an order to show cause (docket number # 878). During the monthly conference, the Court also granted Plaintiffs' motion to amend/correct the plaintiff fact sheet (docket # 1093). A separate order will issue to reflect those rulings.

Next Meeting

August 5, 2008, at 1:00 p.m. in Room 307 in the United States District Courthouse, Providence, Rhode Island. As a result of a Court scheduling conflict in September, at the next meeting counsel should be prepared to discuss whether they wish to meet with Magistrate Judge Almond for the September monthly meeting or whether counsel wish to skip the September meeting.