

**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 November 3, 2008. The conference was an open session. The conference was transcribed. The Court met with counsel and other parties and discussed the items listed on the agenda (docket # 1449).

Document production status report

The parties have agreed to complete “wave 1” document production by December 1, 2008. Plaintiffs’ counsel again raised the issue of Defendants’ confidentiality designations. Plaintiffs’ counsel continue to contend that Defense counsel is over-categorizing confidential documents. The parties have argued a motion concerning the confidentiality issue before Judge Gibney in state court. Counsel shall forward to the Court a copy of Judge Gibney’s decision when it is issued. The confidentiality issue will be discussed at the December monthly meeting.

Non-ring-break cases for early neutral settlement/evaluation

The parties are on schedule to meet the end of February/beginning of March deadline to have the selected non-ring break cases ready for Magistrate Judge Lovegreen and the early neutral evaluation/settlement process.

Status of pending dismissals

Defense counsel informed the Court that there are a number of law firms that have pending dismissals that are overdue. Defense counsel have filed motions to show cause in a number of these pending dismissal matters. Plaintiffs’ counsel informed the Court that the pending dismissal issue deals mainly with counsel withdrawal questions. Plaintiffs’ counsel informed the Court that the overwhelming majority of the pending motions dealing with dismissals could be handled by the parties without involving the Court until necessary.

Motion to Remand – Palmer

Plaintiffs’ counsel informed the Court that it is his belief that the motion raises an issue of first impression for the litigation. Plaintiff – Palmer may file a reply brief on or before November 18, 2008. The motion will be set for hearing.

Consideration – post completion of common discovery, e.g., motion practice

For the next meeting Counsel should be prepared to discuss the next phase of the litigation. Counsel may, but are not required to, forward to the Court suggestions on identifying the next phase of the litigation, in letter form, at least five days before the next meeting.

Next Meeting

The next meeting of the Court, Plaintiffs' liaison counsel, and Defendants' counsel will be on December 9, 2008, at 1:00 p.m. in Room 307.