

**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 December 9, 2008. The conference was transcribed. The Court met with counsel and discussed the items listed on the agenda (docket # 1552).

Document production status report

“Wave one” of document production is complete. “Wave two” document production is estimated to be completed by January 31, 2009. Plaintiffs counsel reported that they have received approximately 300,000 documents representing some 2,000,000 pages. Within 30-60 days Plaintiffs’ counsel should be able to estimate a discovery schedule for trial of bellweather cases.

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

The parties have exchanged requests for depositions with the taking of Plaintiffs’ treating physicians’ depositions to begin soon. The parties also discussed a problem with a deposition of a territory manager, scheduled by Plaintiffs’ counsel, and the related document production. The parties are to agree on a protocol whereby counsel adequately identifies the documents that correspond to a territory manager’s deposition at least 10 days before the deposition is to take place. The Court also suggested to counsel that they make a better effort to adequately communicate.

Proposals for next phase of litigation

The Court suggested that the parties either identify, or adopt a protocol to identify, approximately ten cases of those cases the were filed in, or removed to, the District of Rhode Island, by December 31, 2008, to begin the process of identifying six to eight cases for trial in this District. For the next meeting the parties should each have a list of the ten cases they have identified for this process. For the next meeting the parties should also be prepared to discuss the issue of possibly bifurcating causation and damages from underlying liability issues for these trials.

Pending Motions

Defense counsel will forward to Plaintiffs’ counsel a listing of those cases in which it is Defense counsel’s intent to file a motion to show cause as a result of deficiencies in individual

Plaintiff cases. This may alleviate Defense counsel from filing motions to dismiss as it may cause Plaintiffs' counsel to file a motion to withdraw.

For those cases where the Court has entered an order to show cause and an individual Plaintiff or successor counsel has not entered an appearance within 30 days of the date of the order, the individual case will be dismissed without prejudice without further notice from the Court.

Motion to Remand – Palmer

The Court will issue a decision in the near future.

Next Meeting

The next meeting of the Court, Plaintiffs' liaison counsel, and Defendants' counsel will be on February 10 at 1:00 p.m. in Room 307.