

**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 March 24, 2009. The conference was an open conference. The conference was transcribed. The Court met with counsel and discussed the items listed on the agenda (docket # 1799).

Document production status report

Plaintiffs' counsel reported that, to date, Plaintiffs have received 531,791 documents comprising approximately 4,700,000 pages. Plaintiffs' counsel is in the process of attempting to identify duplicate items and gaps in the production. Plaintiffs' counsel will identify gaps in document production on a rolling basis. Plaintiff' counsel will be as detailed as possible in subsequent discovery requests. The parties will update the court on document production status at next month's meeting.

Plaintiffs' counsel has requested available dates in May for the depositions of certain liability witnesses associated with Davol. Defense counsel will provide Plaintiffs' counsel with those dates by April 3, 2009.

Defense counsel has requested depositions of several treating physicians not associated with the early neutral settlement/evaluation cases or those cases identified for the first wave of trials in the District of Rhode Island. The Court informed counsel that, at this time, counsel should focus their primary efforts on the early neutral settlement/evaluation cases and those cases identified for the first wave of trails in the District of Rhode Island.

Counsel will keep Judge Gibney informed of document production in MDL 1842.

Class Action Complaint

The parties have agreed on a deadline for amendments to the Class Action Complaint. The parties are working on a scheduling order. Counsel will submit the agreement to the Court at or before the next monthly meeting.

Early Neutral Evaluation/Settlement Cases with Magistrate Judge Lovegreen

Plaintiffs' counsel has engaged an expert and anticipates forwarding, to Defense counsel, Plaintiffs' expert's reports prepared for potential settlement purposes by April 10, 2009.

Potential cases for next phase of litigation in the District of Rhode Island

Defense counsel reported approximately 35 deficient Plaintiff Fact Sheets. The parties agreed that the deficiencies in the Plaintiff Fact Sheets should be rectified over the next several days.

Procedure for Updating Plaintiff Fact Sheets

The Plaintiff Fact Sheet includes an obligation requiring an individual plaintiff to correct/supplement answers as necessary. Defense counsel requested a rule whereby Defense counsel would be notified of any changes to the Plaintiff Fact Sheet at least 10 days before the applicable deposition. Plaintiffs' counsel objected to a 10 day rule and did not want the Plaintiff Fact Sheets to be converted into interrogatories. The Court suggested that Defense counsel remind opposing counsel of the obligation to correct/supplement the Plaintiff Fact Sheet when noticing a deposition. Counsel will attempt to work out an agreement regarding this issue.

Stipulation Regarding Dismissal of Rhode Island Deceptive Trade Practices Counts

Defense counsel will submit a list of cases to Plaintiffs' counsel that include a Rhode Island Deceptive Trade Practices Claim. Plaintiffs' liaison counsel will discuss the particular claim with each plaintiff's counsel. In the event a plaintiff agrees to dismiss the count, the parties will file a dismissal stipulation.

Pending Motions

Duant – Defense counsel will reply to the motion to remand on or before April 3, 2009.

Phillips, Humphrey – Plaintiffs' liaison counsel to contact individual plaintiff's counsel in an attempt to aid in the proper filing.

Next Meeting

The next meeting of the Court, Plaintiffs' liaison counsel, and Defendants' counsel will be on April 28, 2009, at 1:00 p.m. in Room 301. Counsel to submit proposed agenda items by April 21, 2009.