

**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 April 28, 2009. The conference was transcribed. The Court met with counsel and discussed the items listed on the amended agenda (docket # 1850).

Introduction of New Defense Counsel

Spriggs & Hollingsworth has withdrawn as counsel for Defendants. Reed Smith LLP is now representing Defendants. New Defense counsel introduced themselves to the Court and court staff.

Document Production Status Report

With the change in Defense counsel, discovery production may have momentarily slowed. Plaintiffs' counsel, however, has identified some gaps in production and has alerted new Defense counsel to those discovery issues. The parties have had several productive conversations regarding discovery issues over the past couple of weeks. The parties will attempt to resolve the discovery issues before the next monthly meeting.

Potential Cases for Next Phase of Litigation in the District of Rhode Island

The Court had received a list of ten potential cases each from Plaintiffs' counsel and prior Defense counsel for the Court's selection of approximately 10 cases to mark up for trial in the District of Rhode Island. With the introduction of new Defense counsel, however, the parties and the Court agreed that counsel will meet to discuss anew the cases that should be marked up for trial in the District of Rhode Island. The Court reminded the parties that the point of selection of the cases to be marked up for trial in the District of Rhode Island is to choose a representative case that has elements that are in contention which a jury decision will aid in moving the entire litigation forward. The Court also informed the parties that if the parties agreed that this would be the Court of jurisdiction, the Court would consider broadening the potential population of cases to be tried in this phase of the litigation to include cases to be tried in other Districts. Five days before the next meeting, the parties will forward to the Court a proposal regarding the selection of the approximately 10 cases to be tried in this phase of the litigation.

Early Neutral Evaluation/Settlement Cases with Magistrate Judge Lovegreen

With the entry of new counsel, the parties have agreed to discuss anew the cases selected for early neutral evaluation/settlement. The parties will attempt to determine if they can resolve

any of these cases before they require any more time of Magistrate Judge Lovegreen. The parties are to update the Court on where they stand on these cases at the next monthly meeting.

Pending Motions

Hadley – Plaintiffs' liaison counsel will inquire regarding the filing of a stipulation.

Humphrey – Plaintiff's counsel will file something by May 1, 2009. Plaintiffs' liaison counsel was unsure as to the specific filing.

Other

The parties will discuss the possibility of Defendants filing a master answer that would allow Defendants not to have to answer a complaint until a case has been sent back to the transferor court or selected for trial. Counsel will discuss with the Court's calendar clerk any docket and/or electronic filing issues involved in this matter.

Next Meeting

The next meeting of the Court, Plaintiffs' liaison counsel, and Defendants' counsel will be on June 2, 2009, at 1:00 p.m. in Room 301.