

**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 June 2, 2009. The conference was transcribed. The Court met with counsel and discussed the items listed on the agenda (docket # 1870).

Discovery Status Report

The parties reported that discovery is moving along very well. Plaintiffs have received four dates (at the end of June and beginning of July) for depositions of the first four liability witnesses. Plaintiffs' counsel have advised Defense counsel that they will also ask for dates for twenty additional deponents over the course of the summer. The Court reminded the parties that in scheduling and taking depositions that they should be as cost effective as possible under the circumstances.

Bellwether Trial Selection and Case Management Order

The parties have agreed on five cases for bellwether trials. The parties have agreed that the following cases be tried in order:

1. Ralph Swallow (C.A. 07-0426)
2. John K. Whitfield (C.A. 07-1918)
3. Christopher Thorpe (C.A. 08-0463)
4. Vivian Bruce (C.A. 08-0541)
5. Bridget McElhatton (C.A. 08-0541)

If the Swallow case is resolved, there will not be a replacement case and the Whitfield case will be tried. If the Whitfield case and/or the Bruce case are voluntarily dismissed, the parties will provide replacement cases to be tried. The parties estimated that each of the bellwether trials will be approximately two to three weeks in length. The parties are to forward to the Court a proposed case management order on the bellwether cases on or before July 10. The Court will conduct a telephone conference with the parties on July 14 at 2:00 to discuss the case management order.

Status of ADR I and ADR II Cases

The process of identifying the bellwether trial cases has caused the parties to review the ADR I and ADR II cases. The parties requested that they be allowed to continue to discuss the ADR I and ADR II cases, without the assistance of Magistrate Judge Lovegreen at this time, in the hopes that those discussions would be helpful in advancing global resolution. The parties

will inform the Court when they believe they need the assistance of Magistrate Judge Lovegreen.

“Master Answer” Status

Defense counsel informed the Court that they have not yet had the time to complete the master answer and forward it to Plaintiffs’ counsel. It is Defense counsels’ intent to file the master answer before the next conference or to discuss it at the next monthly meeting. The Court reminded the parties that they need to discuss the master answer with the Court’s clerks to ensure that all electronic filing issues have been addressed.

Pending Motions

Defense counsel should prepare the orders dismissing the cases without prejudice where the thirty-day period to enter an appearance or engage counsel has run. Defense counsel will inquire into the Hadley pending motion issue and rectify the matter before the next conference.

Other

At the next monthly meeting the parties are to report to the Court on the monthly meeting with Judge Gibney regarding the status of the state court cases.

Next Meeting

The next meeting (Open Session) of the Court, Plaintiffs’ liaison counsel, and Defendants’ counsel will be on July 23, 2009, at 1:00 p.m. in the Jury Assembly Room (Room 151). Counsel shall submit proposed agenda items by close of business on July 16, 2009.