

**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 January 7, 2010. The conference was transcribed. The Court met with counsel and discussed the items listed on the agenda (docket # 2421).

Case management and Discovery status report for bellwether trials

Plaintiffs' counsel informed the Court that the fact witness discovery period is completed. Plaintiffs' counsel informed the Court that there may be a couple of depositions relating to databases that are outstanding. The parties will also discuss the taking of depositions of some former employees of Defendants. Plaintiffs' counsel also informed the Court that, just after the close of discovery, as a result of an internal audit, Defendants' discovery vendor delivered approximately 100,000 pages of additional discovery (approximately 11,000 documents) to Plaintiffs' counsel. Plaintiffs' counsel do not believe that they will have to re-notice depositions but have not yet had the opportunity to review the documents.

Defense counsel explained to the Court that the production was as a result of an internal quality assurance audit performed by its discovery vendor. Defense counsel informed the Court that as soon as they received the production they contacted Plaintiffs' counsel. Defense counsel has communicated with its discovery vendor in an attempt to understand why the late production occurred. Plaintiffs' counsel informed the Court that it did not appear that the late production would impact the bellwether trial schedule.

The first bellwether trial is scheduled to start on Monday or Tuesday March 29 or March 30, 2010. The daily trial schedule will be from 9 a.m. to 1 p.m. with a 15 minute break. Motion hearings will be scheduled during the week of March 22, 2010. At some point before the trial begins, Counsel should make appointments with the Court's courtroom clerk to ensure that both Counsel and counsel's technical assistants are aware of how to use the courtroom technical equipment. The Court reminded counsel that they should be prepared by the final pretrial conference to inform the Court of how many witnesses they have and the approximate time they plan on spending with each witness during trial. By next month's meeting counsel should be prepared to begin talking about identifying trial witnesses.

Pending motions

The Court entered an order on Defendants' Motion to Amend the Pretrial Case Management Order on January 5, 2010. Plaintiffs' motion to Strike Errata Sheets, filed on December 9, 2009, will be referred to Magistrate Judge Almond.

Other

The Court informed the parties that Magistrate Judge Lovegreen has graciously agreed to make himself available for further settlement conferences. Counsel may meet with Magistrate Judge Lovegreen next month to discuss the possibility of scheduling further settlement conferences.

Next Meeting

The next meeting of the Court, Plaintiffs' liaison counsel, and Defendants' counsel will be held on February 9, 2010, at 9 a.m. in Room 307. Counsel shall submit proposed agenda items by close of business on February 2, 2010.