

Minute Entry
Lisi, C.J.
February 20, 2008

**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 February 14, 2008. The conference was transcribed. The Court met with counsel and other parties and discussed the items listed on the amended agenda (docket # 363).

Open Session

The Court welcomed all parties to the open session monthly meeting and explained the monthly conference procedure. The Court also reminded all those attending the open conference that the monthly agenda and minutes of all monthly meetings are posted to the Court website.

Gayvont Motion

The Court will issue a decision.

Mooted Motions

The Court informed counsel that if a motion has been mooted counsel should file a stipulation that informs the Court that the particular motion has been mooted in order that the motion may be terminated on the docket.

Discovery Issues with respect to the 10 Early Neutral Evaluation/Settlement Cases

Plaintiffs' counsel requested FRCP 30(b)(6) depositions in a number of categories: information technology, document retention and technical management of certain databases. Defense counsel are in the process of providing dates for depositions.

Plaintiffs' counsel requested the deposition of Mr. Daniel LaFever, the president of Davol. Defense counsel has filed a motion for protective order. The motion has been referred to Magistrate Judge Almond.

Plaintiffs' counsel requested the names of sales representatives for depositions. Defense counsel provided Plaintiffs' counsel with names of sales representatives and are working with those representatives in anticipation of a request for specific dates for the depositions. Defense

counsel estimates approximately 20 depositions of sales representatives.

Defense counsel informed the Court of some difficulty in receiving medical records of the Plaintiffs. The Court informed Plaintiffs' counsel to forward medical records to Defense counsel as soon as possible.

Plaintiffs' counsel provided Defense counsel with fact sheets. Defense counsel sent deficiency letters with regard to all 10 Plaintiffs' fact sheets. Plaintiffs' responses are due March 10-14.

Plaintiffs' counsel has also propounded case specific discovery and Defense counsel has responded in all 10 cases.

Master Discovery Requests

Defense counsel is in the process of responding to Plaintiffs' counsel's master discovery requests as they pertain to the entire MDL. Plaintiffs' counsel has filed a motion concerning the methodology that Defendants will use to gather electronically stored documents.

Appeal of Magistrate Judge's Decision Denying Defendants' Motion Seeking Ex-Parte Contacts with Physicians

The Court will issue a decision.

Smith v. Bard

Plaintiffs' counsel informed the Court that, upon further review, the Smith case did not meet the original criteria set for the early neutral evaluation/settlement cases but that it does meet the requirements of the scope of the MDL as determined by the Court. The Court determined that the Smith case would remain part of the early neutral evaluation/settlement cases.

Duplicative Lawsuits Filed in State and Federal Court on behalf of same Plaintiffs

Felkins/Brill – The state case was dismissed and the federal case will remain.

Newsom – The Davol/Bard defendants have been dismissed in the state case and the federal case remains.

Clay – Counsel to dismiss the state case and the federal case will remain.

Theresa – Counsel decided to dismiss state case and federal case will remain.

Rosa – Plaintiffs' counsel to research and discuss with Defense counsel.

Settlement Notification

Counsel to discuss establishing process whereby Plaintiffs' counsel is notified if Defense counsel discusses settlement with any party. The subject will be placed on next month's agenda for discussion. If counsel cannot reach an agreement, counsel are to be prepared to inform Court what other Courts have done in similar types of MDL cases.

Mathein Motion

Counsel to discuss any outstanding issue or issues. If counsel agree that there are not any outstanding issues, counsel to file a stipulation mooting the motion.

Potential Amendment to Case Management Order

Counsel to discuss a potential amendment to the case management order relating to informing Plaintiffs' counsel of information and/or requests not filed with the Court.

Consolidated Class Action

The Horton case was inadvertently listed as a class action and it is not. Plaintiffs' counsel to file a motion to amend.

Other

Milberg Weiss to join Plaintiffs' steering committee to replace Seeger Weiss. The Court also reminded the parties that if they are going to file anything in the MDL they are to file it in the main case, 07-1842, and not the individual cases.

Next Meeting

March 10, 2008, at 1:00 p.m. in Room 307 in United States District Courthouse, Providence, Rhode Island.