

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

IN RE: KUGEL MESH HERNIA PATCH LITIGATION  
This document relates to all actions.

MDL NO. 07-1842 ML

PRACTICE AND PROCEDURE ORDER NUMBER 13

This matter came before the Court on August 5, 2008 for a status conference. The Court considered items listed on the Meeting Agenda (docket entry #1244). The Court now makes the following orders:

**1. Plaintiffs' Treating Physicians as Experts.** On or before August 8, 2008, Defendants shall provide the Court and Plaintiffs' liaison counsel with a list of each and every consulting expert who Defendants know or believe to be a treating physician of a Plaintiff. Defendants' counsel shall not have any communication with such treating physicians before the Court rules on the pending motion. Once disclosed, Plaintiffs' counsel shall not communicate with such treating physicians before this Court rules on the pending motion. Plaintiffs are not precluded from communicating with their own treating physicians.

**2. Document review by Defendants.** On or before August 8, 2008, Defendants shall provide the Court and Plaintiffs' liaison counsel with the number of people (attorneys and non-attorneys) working on document review, along with the average rate of documents reviewed on a monthly basis.

**3. Early Neutral Evaluation/Settlement Cases.** Lead Plaintiffs' counsel and Defendants' counsel shall meet and confer prior to September 8, 2008 regarding whether the parties can agree on 10 non-ring cases for the early neutral evaluation/settlement process.

**4. Document Production Status Conferences.** Parties shall confer biweekly as to the status of document production. Where feasible, such conferences shall be held in coordination with similar conferences held by Associate Justice Alice Gibney presiding over the Kugel mesh litigation in Rhode Island Superior Court.

**5. Motion to Remand, Palmer Case.** Defendants will identify whether Palmer was removed before or after the local Defendant was served. Parties shall advise the Court prior to September 8, 2008 whether a hearing is necessary on this matter.

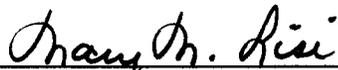
**6. Motion to Withdraw as Counsel, Collins and Barlow Cases.** The Court may entertain Plaintiffs' counsel's Motion to Withdraw provided counsel complies with the local rules for the District of Rhode Island.

**7. Proposed Agenda Items and Pending Motions List.** In consultation with lead defense counsel, Plaintiffs' liaison counsel shall submit to the Court a list of proposed agenda items and a current list and status of all motions on or before September 2, 2008. The Court will publish the agenda on or before September 4, 2008.

**8. Next Meeting.** The Court will meet with lead Plaintiffs' counsel and

Defendants' counsel on September 8, 2008 at 1:00 p.m. in Room 307 of the United States Courthouse, One Exchange Terrace, Providence, RI.

SO ORDERED:



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Mary M. Visi  
Chief United States District Judge  
August 18, 2008