

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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

MDL DOCKET NO. 07-1842-ML

~~PROPOSED~~ PRACTICE AND PROCEDURE ORDER NUMBER 14

This matter came before the Court on September 8, 2008 for a status conference. The Court considered items listed on the Meeting Agenda (Docket #1318). The Court now makes the following orders:

1. **Document Production.** With each production, defendants' shall include a cover letter with the number of documents provided in that production set.

2. **List of Cases for Early Neutral Settlement / Evaluation.** The following non-ring break cases shall be set for early neutral settlement/evaluation in early 2009: Jean R. Anglin (08-2066), Cathy Brezeale (08-2700), Vivian Bruce (08-0257), Frank Cabrera (08-2406), Jolene Dillon (08-2517), Charles Dayton Kirk (07-1885), Clara M. Lord (07-1932), Pauline Murrell (08-2193), Antonio Sanchez (07-1890), John Whitfield (07-1918), with the Anglin case subject to the resolution of jurisdictional issues to be resolved by liaison counsel as soon as practicable.

3. **Meaningful Settlement Discussions.** The parties shall proceed in good faith with regard to all aspects of the selection and workup of the 10 cases listed in paragraph 2 for early neutral settlement/evaluation. Upon completion of discovery and within a reasonable period before mediation, defendants shall notify the Court and plaintiffs' liaison counsel whether they intend to offer no money to settle any of the 10 cases.

4. **Palmer Remand Issue.** Parties shall meet and confer regarding the jurisdictional issue in the Palmer case. If this issue is not resolved, plaintiffs' liaison counsel shall advise the Court and the matter may be set for hearing on October 7, 2008.

5. **Williams Kherher Cases.** Williams Kherher shall file any outstanding dismissals or motions to withdraw as counsel prior to the next MDL hearing, and shall comply with the rules of this Court with regard to withdrawing as counsel as soon as practicable.

6. **Pending Motions to Show Cause.** The issues raised therein having been resolved in whole or in part, Defendants shall withdraw their pending Motions to Show Cause in reference to Huerta, Walters, Gracyk and Smith cases. Plaintiffs' liaison counsel shall contact the lawyers for Garrett and Walker regarding Defendants' Motion to Show Cause and shall report promptly to Defendants.

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 30, 2008. The Court will publish the agenda on or before October 3, 2008.

8. **Next Meeting.** The Court will meet with lead plaintiffs' counsel and defendants' counsel only on October 7, 2008 at 1:00 p.m. in Room 307 of the United States Courthouse, One Exchange Terrace, Providence, RI.

SO ORDERED:



Mary M. Lisi
Chief United States District Judge
September 30, 2008