

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

IN RE: KUGEL MESH HERNIA PATCH LITIGATION  
As it relates to all cases.

MDL CASE NO. 07-1842 ML

PRACTICE AND PROCEDURE ORDER NUMBER 6

This matter came before the Court on January 8, 2008 for a status conference. The Court considered items listed on the Meeting Agenda (Docket #82). The Court now makes the following orders:

1. **Scope of MDL 07-1842.** This MDL encompasses alleged defects associated with the following products manufactured and sold by Defendants:
  - a. All nine (9) models of Bard® Composix® Kugel® Hernia Patches (Product Codes 0010201 through 0010209);
  - b. All other Davol hernia patches with PET rings, including the Bard® Kugel® Hernia Patch; Bard® Ventralex® Hernia Patch; Bard CK Parastomal Patch; and Bard® Modified Kugel™ Patch; and
  - c. Other Davol hernia meshes composed of layers of polypropylene and ePTFE, including the Bard® Composix® E/X Mesh.

2. **Preservation of Related Documents.** Defendants shall take all necessary steps to preserve documents related to all products listed in Paragraph 1, above. Additionally, Defendants shall take all necessary steps to preserve documents related to any and all products not listed above that include dual-mesh technology, whether or not such product includes a ring. This paragraph applies only to

preservation of documents; discoverability of these documents shall be handled as a separate matter. The parties shall meet and confer on more specific provisions of a Preservation Order or shall file the appropriate motions.

3. **Samples of Included Products.** Defendants' Counsel shall provide the Court and Liaison Counsel with a set of all products that are included in this MDL, as detailed in Paragraph 1, above. Defense Counsel shall properly label each product in both sets. Product examples provided to Liaison Counsel shall remain in full possession of Liaison Counsel and shall not be used, without further agreement or order of the Court, for any destructive testing.

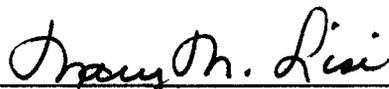
4. **Deficiency Letters for Plaintiff Fact Sheets in Representative Ring Break ADR Cases.** With regard to the Plaintiff Fact Sheets provided to Defendants in the ten (10) cases set for ADR, Defendants shall have until February 1, 2008 to notify Plaintiffs of any deficiencies therein and to request those deficiencies be cured and/or to request additional time to do so.

5. **Pending Motions List.** In consultation with Lead Defense Counsel, Plaintiffs' Liaison Counsel shall prepare each month a current list and status of all motions pending to be submitted to the Court with the proposed monthly meeting agenda.

6. **Proposed Agenda Items.** Lead Counsel and Defendants' Counsel shall submit to the Court a list of proposed agenda items on or before February 6, 2008. The Court will publish the agenda on or before February 11, 2008.

7. **Next Meeting.** The Court will meet with Lead Counsel and Defendants' Counsel on February 14, 2008 at 1:00 p.m. in Room 151 of the United States Courthouse, One Exchange Terrace, Providence, RI. The February meeting will be an "open" session.

SO ORDERED:



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Mary M. Lisi  
Chief United States District Judge  
January 24, 2008