

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 23

WHEREFORE, THIS Court has the discretionary authority to establish a Plaintiffs' Steering Committee ("PSC"), consistent with (1) 28 U.S.C. § 1407; (2) the June 22, 2007 Transfer Order issued by the Judicial Panel on Multidistrict Litigation (the "JPML"); (3) the Supreme Court's decision in Lexecon, Inc. v. Milberg, Weiss, Bershad, Hynes & Lerach, 523 U.S. 26 (19998), and other case law and secondary authorities; and (4) the Federal Judicial Center's Manual for Complex Litigation (Fourth)(2004).

WHEREFORE, on September 28, 2007, the Court entered Practice and Procedure Order No. 2, which, among other things, designated Plaintiffs' Liaison Counsel, Plaintiffs' Co-Lead Counsel and a Plaintiffs' Steering Committee. (Doc. No. 24).

WHEREFORE, on February 29, 2008, the Court entered Practice and Procedure Order No. 7, which substituted Christopher Seeger of Seeger Weiss LLP with Stephanie Hatzakos of Milberg LLP. (Doc. No. 435).

WHEREFORE on October 8, 2008, the Court entered Practice and Procedure Order No. 15, which added two seats to the PSC appointing Edward Wallace of Wexler

Wallace LLP to one chair and Derek Potts of The Potts Law Firm LLC and Jeffrey Kuntz of Wagstaff & Cartmell LLP to a shared seat. (Doc. No. 1396)

WHEREFORE, based on the representations made as to Mr. Messenger's and Ms. McNabb's qualifications and experience, IT IS HEREBY ORDERED:

The Court substitutes Jeffrey Messenger and Candace McNabb as members of the Plaintiffs' Steering Committee in MDL 1842.

SO ORDERED:



Mary M. Lisi
Chief United States District Judge
November 4, 2010