

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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

MDL DOCKET NO. 07-1842 ML

PRACTICE AND PROCEDURE ORDER NUMBER 4

This matter came before the Court on October 30, 2007 for a status conference. The Court considered items listed on the Meeting Agenda (Docket #33). The Court now makes the following orders:

- 1. Consolidated Case Action Complaint.** Plaintiffs shall have ninety (90) days within which to file a master consolidated class action complaint. Defendants withdraw their Motion to Dismiss in the Montiel case without prejudice to refiling after the filing of the consolidated class action complaint.
- 2. Waiver of Service.** Defendants agree to waiver of service in accordance with Rule 4(d) of the Federal Rules of Civil Procedure. Defendants shall designate the person(s) to whom new complaints should be directed.
- 3. Plaintiff Fact Sheets, Resolving Differences.** The parties will work to resolve any differences regarding the Plaintiff Fact Sheets. Parties will isolate areas in which they disagree and will work with Magistrate Judge Almond to resolve these areas as soon as practicable.

4. Plaintiff Fact Sheets, Completion. Following resolution of differences regarding Plaintiff Fact Sheets, Plaintiffs shall provide Plaintiff Fact Sheets for all cases in the MDL as soon as practicable.

5. Cases for ADR Program. Prior to the next status conference, Plaintiffs shall select six (6) to ten (10) representative ring break cases for referral into the Court's Alternative Dispute Resolution Program, which is currently expected to take place by June, 2008.

6. Next Meeting. The Court will meet with lead counsel and defendants' counsel on December 6, 2007 at 1:00 p.m. in Room 307. Counsel shall submit to the Court a list of proposed agenda items on or before November 26, 2007. The Court will publish the agenda on or before December 4, 2007.

SO ORDERED:



Mary M. Lisi
Chief United States District Judge
November 9, 2007