

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

MDL No. 3081

CASE MANAGEMENT ORDER NO. 31
(Fourteenth Case Management Conference)
(Applies to All Actions)

The Court held a Fourteenth Case Management Conference with the parties on February 20, 2025. *See* Doc. 2666. This order reflects matters discussed and decided during the conference.

1. The Court will hold a Fifteenth Case Management Conference on **March 20, 2025 at 2:00 p.m.** Arizona time. The conference will be held by Zoom. By close of business on **March 18, 2025**, the parties shall file a joint memorandum. The joint memorandum shall include a proposed schedule for bellwether-specific fact discovery, bellwether-specific expert discovery, motions to exclude bellwether-specific experts, and motions for summary judgment in the six bellwether cases.

2. The Court discussed with the parties a number of issues raised in the parties' joint memorandum. Doc. 2638. These include a potential replacement Plaintiff in Discovery Group 1, Defendants' supplemental production of documents, Defendants' responses to Plaintiffs' third set of interrogatories, Defendants' responses to Plaintiffs'

1 deposition on written questions, Defendants' supplementation of their responses to
2 Plaintiffs' second set of interrogatories, the completion of common-issue depositions, and
3 Defendants' recent subpoenas. The parties are working productively to resolve any issues
4 related to these subjects.

5 3. The parties are in the process of completing Plaintiff-related depositions,
6 treating physician depositions, and the depositions of sales representatives for Discovery
7 Group 1. The Court stated that Plaintiffs' counsel have the right to attend the depositions
8 of sales representatives in person, and the parties should confer in good faith on any issues
9 related to such personal appearances.

10 4. The Court will issue an order to show cause with respect to Janie Withrow,
11 24-cv-03356, for failure to produce a Plaintiff Profile Form despite clear requirements in
12 the Court's orders and deficiency letters from defense counsel.

13 5. The parties' memorandum identifies 17 Plaintiffs with deficient Plaintiff
14 Profile Forms, but the parties reported that defense counsel have heard from counsel for
15 each of these Plaintiffs and that the issues are being resolved.

16 6. The Court previously issued an Order to Show Cause with respect to six
17 Plaintiffs. Doc. 2368. Five of these Plaintiffs have responded and shown that they have
18 now served a Plaintiff Profile Form, and Defendants have withdrawn their requests for
19 dismissal. Defendants nonetheless seek to recover attorneys' fees for the time incurred in
20 obtaining Plaintiff Profile Forms from these individual Plaintiffs. The Court directed
21 defense counsel to file a motion for attorneys' fees that specifies the fees sought with
22 respect to each Plaintiff and whether the fees are sought from Plaintiffs' counsel. The
23 Court will resolve this issue after briefing is completed.

24 7. Plaintiff Capricia Parker, 24-cv-2615, has failed to serve a Plaintiff Profile
25 Form in response to the Order to Show Cause. Her form has been due for several months,
26 and she has not served it despite repeated requests from defense counsel. Consistent with
27 CMO 8, the Court will dismiss Plaintiff Parker's complaint with prejudice for failure to
28 follow Court orders.

