

**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. 32
(Fifteenth Case Management Conference)
(Applies to All Actions)

The Court held a Fifteenth Case Management Conference with the parties on March 20, 2025. *See* Doc. 2892. This order reflects matters discussed and decided during the conference.

1. The Court will hold a Sixteenth Case Management Conference on **May 1, 2025 at 2:00 p.m.** Arizona time. The conference will be held by Zoom. By close of business on **April 28, 2025**, the parties shall file a joint memorandum.

2. As discussed in the parties' joint memorandum (Doc. 2855 at 2-7), Defendants express concern about physical testing performed by Plaintiffs' experts on two explanted catheters without complying with CMO 20 (Doc. 529). Plaintiffs disagree that one of the catheters falls under CMO 20, but it is clear, in any event, that Defendants' experts must be entitled to test the same catheters as Plaintiffs' experts. The Court will grant a 30-day extension for Defendants to produce reports from experts whose opinions will rely on the testing. The Court concludes that these include Defendants' materials,

1 design, and polymer experts who rely on the testing. All other defense experts shall be
 2 disclosed under the schedule already established in the case (reports due by April 25, 2025).
 3 *See* CMO 29 (Doc. 1891). With respect to Defendants' materials, design, and polymer
 4 experts who rely on the testing, the schedule will be adjusted as follows:

- 5 • Expert reports shall be due by **May 23, 2025**.
- 6 • Plaintiffs' rebuttal expert reports with respect to these experts will be due on
 7 **June 20, 2025**.
- 8 • Depositions of these experts and Plaintiffs' experts who file rebuttals to these
 9 experts will occur by **August 22, 2025**.
- 10 • Motions to exclude these defense experts or to exclude Plaintiffs' rebuttal
 11 opinions to these experts will be due by **September 19, 2025**.
- 12 • Responses will be due by **October 24, 2025**.
- 13 • Replies will be due by **November 14, 2025**.

14 3. With respect to fact deposition scheduling, the Court advised the parties that
 15 the deposition currently scheduled for April 4, 2025 (*see* Doc. 2855 at 23-24 n.10), may
 16 occur on that date, and that the remaining sales representative deposition, if it cannot be
 17 scheduled earlier, may occur on **April 9, 2025**.

18 4. The Court agreed to extend the schedule for selection of bellwether plaintiffs
 19 by 14 days as follows:

- 20 • Parties meet and confer to select bellwether plaintiffs by **April 21, 2025**.
- 21 • If needed, parties submit memoranda on bellwether selection by **April 28,**
 22 **2025**.
- 23 • Parties submit responses to any memoranda by **May 5, 2025**.

24 In light of this extension, the Court informed the parties that they may extend by
 25 two weeks the schedule set forth in their proposed case management order for bellwether-
 26 plaintiff discovery, as submitted to the Court for today's conference. *See* Doc. 2855-3.
 27 The parties shall provide a revised proposed CMO to the Court.
 28

1 5. Defendants may have until the next case management conference to address
2 remaining deficiencies in certain Plaintiff Profile Forms (PPFs) required to be
3 supplemented by February 28, 2025, in Second Amended CMO 8 (Doc. 2369). *See*
4 Doc. 2855 at 28-29.

5 6. The Court will issue an order to show cause for nine Plaintiffs who failed to
6 serve a supplemental PPF or a response to deficiency letters as required by Second
7 Amended CMO 8: Cynthia Chasse, Rebekah Crochet, Constance Gomez, Christy Hough-
8 Edwards, Ashley Long, Dionne Mayo, John Pence, Robert Pruitt, and Loretta Sanchez.
9 *See id.* at 29-30.

10 7. The Court will issue an order compelling three Plaintiffs to respond to
11 deficiency letters and fully comply with Second Amended CMO 8 by **April 4, 2025**: Jody
12 L. Heister, Larry Foust, and Martha Aguilar. *See id.* at 31-32.

13 8. Plaintiffs in Discovery Group 1 who identified additional information during
14 their depositions that should be disclosed shall serve a supplemental PPF or Plaintiff Fact
15 Sheet (PFS) by **April 4, 2025**, disclosing information that the parties, after meeting and
16 conferring, agree should be disclosed. *See id.* at 32-33. If the parties disagree on additional
17 information that should be disclosed in the supplements, they shall call the Court for
18 resolution.

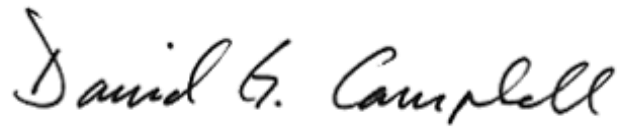
19 9. Within 30 days of this order, Defendants shall provide complaint files for the
20 following 15 cases (*see id.* at 33-35):

- 21 • Angela Aswell, 24-cv-02434
- 22 • Shalona Brown-Bowick, 24-cv-02968
- 23 • Datra Bush, 24-cv-02435
- 24 • James Cartwright, 24-cv-02436
- 25 • Angela Coleman-Moreno, 24-cv-02966
- 26 • Tammy Cyr, 24-cv-02929
- 27 • Julia Driver, 24-cv-02998
- 28 • Joshua Eyermann, 24-cv-02835

- Richard Kind, 24-cv-02953
- Debra Laro, 24-cv-02498
- Patsy Nelson, 24-cv-02390
- LaFeion Smith, 24-cv-02438
- Giny Toranzo, 24-cv-00577
- Amy Whalen, 24-cv-02928
- Maggie Williams-Scott, 24-cv-2440

The Court declined to impose a case-wide requirement that complaint files be produced within 60 days of Defense Profile Forms, but urged Defendants to accelerate the pace of producing complaint files.

Dated this 21st day of March, 2025.

A handwritten signature in black ink, reading "David G. Campbell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

David G. Campbell
Senior United States District Judge