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**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. 42

**(Twenty-Second Case Management
Conference)**

(Applies to All Actions)

The Court held a Twenty-Second Case Management Conference with the parties on December 4, 2025. *See* Doc. 6342. This order reflects matters discussed and decided during the conference.

1. The Court will hold a Twenty-Third Case Management Conference on **January 15, 2026 at 10:00 a.m.** Arizona time. The conference will be held by Zoom. By close of business on **January 13, 2026**, the parties shall file a joint memorandum.

2. The Court previously adopted the parties’ proposed schedule for bellwether trials in Case Management Order (“CMO”) 38. Doc. 4738. The Court adjusted that schedule in CMO 41. Doc. 6208. Plaintiffs request that the Court move the Divelbliss trial from October 2026 to August 2026. Doc. 6285 at 2-3. The Court grants the request and adopts the following adjusted schedule:

Case	Start Date	End Date
Robert Cook, 23-cv-01975	April 21, 2026	May 8, 2026
Wanda Miller, 24-cv-00612	July 7, 2026	July 24, 2026
Kimberly Divelbliss, 23-cv-01627	August 18, 2026	September 4, 2026
May Lattanzio, 24-cv-00680	October 13, 2026	October 30, 2026
Judy Hicks, 23-cv-01703	December 1, 2026	December 18, 2026
Lloyd Sorensen, 23-cv-02557	February 2, 2027	February 19, 2027

3. The Court will provide the parties with samples of juror questionnaires used in past cases. The parties shall confer on a form of juror questionnaire for the bellwether trials and shall provide a joint proposed questionnaire by **January 13, 2025**.

4. The proper form of deposition designations was discussed during the conference. *See* Doc. 6285. The Court will set a date for submission of deposition designations at the final pretrial conference for each bellwether trial.

5. The parties are working cooperatively to obtain outstanding records from Dr. Dim in the Divelbliss case. Defendants request permission to move to compel after the December 18, 2025 discovery deadline if Defendants are unable to obtain outstanding records before Dr. Dim's deposition. *Id.* at 6. If Defendants wish the Court to address this issue, the parties shall call the Court to schedule a teleconference.

6. The Court will issue a separate order to show cause with respect to Plaintiff Stephanice Davis, 25-cv-03155, who has not served a Plaintiff Profile Form ("PPF") despite the deadline passing and Defendants having sent a deficiency letter. *See id.* at 8.

7. Plaintiff Kimberly Smith, 25-cv-03602, served an incomplete PPF. *See id.* The Court will issue a separate order compelling Plaintiff Smith to serve a complete PPF with medical records by **December 22, 2025**.

8. Plaintiff Jacqueline Finner, 25-cv-02328, served an incomplete PPF and did not respond to Defendants' deficiency letter. *See* Doc. 5788 at 6-8. The Court denied permission for Finner's counsel to withdraw and set a December 1, 2025 deadline for

1 counsel to serve a complete PPF or for Finner to obtain new counsel. Doc. 5840 ¶ 2. No
2 complete PPF has been served and Finner has not obtained new counsel or responded to
3 her current counsel's correspondence. *See* Doc. 6285 at 8. The Court will issue a separate
4 order dismissing Finner's case without prejudice.

5 9 Defendant shall produce the overdue complaint file for Plaintiff Danielle
6 Steele, 25-cv-01996, by **January 5, 2026**. *See id.* at 9.

7 10. The parties shall confer regarding the overdue Device History Record for
8 Plaintiff Jeannette Finley, 25-cv-00917, and provide an update at the next Case
9 Management Conference. *See id.* at 10-14.

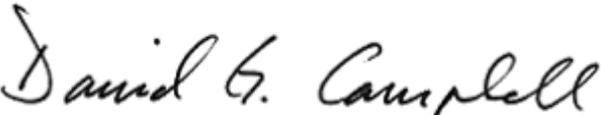
10 11. Defendants identified three Plaintiffs who unfortunately died after their
11 complaints were filed: Wanda Bagley, 24-cv-00322; Robert Pruitt, 24-cv-02939; and
12 Steven Adams, 24-cv-02554. *Id.* at 19.

13 Counsel for Plaintiff Bagley filed an untimely motion to substitute on December 3,
14 2025. Doc. 6332; Fed. R. Civ. P. 25(a)(1). By **December 19, 2025**, counsel for Bagley
15 shall file an amended motion to substitute that addresses the untimeliness of the motion
16 and sets forth an argument for excusable neglect. *See* Fed. R. Civ. P. 6(b)(1)(B).
17 Defendants shall file a response to the motion by **January 5, 2026**, and counsel for Bagley
18 may file a reply by **January 12, 2026**.

19 Counsel for Plaintiff Pruitt have identified no surviving family members after
20 conducting a diligent search and do not oppose dismissal. *See* Doc. 6285 at 18. The Court
21 will issue a separate order dismissing Pruitt's case without prejudice.

22 Counsel for Plaintiff Adams have indicated that Plaintiff's son is seeking to be
23 appointed personal representative of the estate. *See id.* at 19. Any motion to substitute
24 shall be filed by **January 12, 2025**, and shall address the untimeliness of the motion and
25 the issue of excusable neglect under Rule 6(b)(1)(B).

26 Dated this 5th day of December, 2025.

27 

28 David G. Campbell
Senior United States District Judge