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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

Robert Cook,

No. CV-23-01975-PHX-DGC

Individual Plaintiff,

vs.

**CASE MANAGEMENT ORDER NO. 44  
(Order Setting Final Pretrial Conference  
for Cook Bellwether Trial)**

Becton Dickinson and Company, et al.,  
Defendants.

A jury trial in the Cook bellwether case is set to begin on April 21, 2026. *See* Doc. 6028. Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure, a final pretrial conference shall be held on **April 9, 2026 at 10:00 a.m.** in Courtroom 603, Sandra Day O'Connor U.S. Federal Courthouse, 401 W. Washington St., Phoenix, Arizona 85003-2151.

**IT IS ORDERED:**

1. The attorneys who will be responsible for the trial of the case shall attend the final pretrial conference in person.
2. The parties jointly shall prepare a Proposed Final Pretrial Order and shall lodge it with the Court on **April 3, 2026**. Preparation and lodging of the Proposed Final

1 Pretrial Order in accordance with the requirements of this Order shall be deemed to satisfy  
2 the disclosure requirements of Federal Rule of Civil Procedure 26(a)(3). The parties shall  
3 submit a copy of the Proposed Final Pretrial Order to the Court in Word format by email  
4 to [Christine Boucher@azd.uscourts.gov](mailto:Christine.Boucher@azd.uscourts.gov).

5 3. The Proposed Final Pretrial Order shall include the information prescribed in  
6 the Joint Proposed Final Pretrial Order form found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under:  
7 (1) Judges' Information, (2) Judge's Orders, Forms & Procedures, and (3) Campbell, David  
8 G. Information shall not be set forth in the form of a question, but shall be presented in  
9 concise narrative statements.

10 4. The Court will not allow the parties to offer any exhibit, witness, or other  
11 evidence that was not disclosed in accordance with the provisions of this Order and the  
12 Federal Rules of Civil Procedure and listed in the Proposed Final Pretrial Order, except to  
13 prevent manifest injustice. Objections to witnesses and documents should also be listed.

14 5. The parties shall exchange drafts of the Proposed Final Pretrial Order no later  
15 than **14 days** before the submission deadline. Plaintiffs shall have the burden of initiating  
16 communications concerning the Proposed Final Pretrial Order.

17 6. The parties shall (a) number and mark exhibits in accordance with the  
18 instructions found in Exhibit Marking Instructions at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under Judges  
19 and Courtrooms and Orders, Forms and Procedures (such numbers shall correspond to  
20 exhibits numbers listed in the Proposed Final Pretrial Order); (b) meet in person and  
21 exchange marked copies of all exhibits to be used at trial no later than **14 days** before the  
22 submission deadline for the Proposed Final Pretrial Order (any exhibit not marked and  
23 exchanged at this meeting shall be precluded at trial); and (c) eliminate any duplicate  
24 exhibits while meeting to exchange exhibits.

25 7. The parties shall file and serve all motions in limine no later than **March 16,**  
26 **2026**. Responses to motions in limine shall be filed on or before **March 26, 2026**. Each  
27 motion in limine shall include proposed language for the order in limine being sought from  
28 the Court, and the proposed language shall state with precision the evidence that is subject

1 to the proposed order and the limitation or exclusion placed on the evidence. The motions  
2 and responses must be concise and shall not exceed three (3) pages in length. No replies  
3 shall be filed.

4 8. The parties shall complete the following tasks by the time of the lodging of  
5 the Proposed Final Pretrial Order:

6 (a) The parties shall file a stipulated description of the case to be read to  
7 the jury.

8 (b) The parties shall jointly file a proposed set of voir dire questions. The  
9 voir dire questions shall be drafted in a neutral manner. To the extent possible, the parties  
10 shall stipulate to the proposed questions. If the parties have any disagreement about a  
11 particular question, they shall state the reason for their objection below the question. The  
12 parties shall also provide, for the purposes of voir dire, a joint master list of the names of  
13 every witness who may be called at trial.

14 (c) The parties shall file proposed jury instructions in accordance with  
15 “Guidelines for Jury Instructions in Civil Cases” found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov) under:  
16 (1) Judges’ Info, (2) Judge’s Orders, Forms & Procedures, and (3) Campbell, David G.

17 (d) The parties shall jointly file a proposed verdict form, including any  
18 proposed special verdict forms or juror interrogatories. If the parties cannot agree on a  
19 verdict form, they shall file separate proposed forms and counsel shall be prepared to  
20 discuss them at the final pretrial conference.

21 (e) The joint statement of the case, proposed voir dire questions, proposed  
22 jury instructions, and proposed verdict form(s) shall be submitted to the Court in Word  
23 format by email to [Christine\\_Boucher@azd.uscourts.gov](mailto:Christine_Boucher@azd.uscourts.gov).

24 (f) By **March 26, 2026**, the parties shall provide the email addresses of  
25 the attorneys who should receive juror questionnaires to the Court by email to  
26 [Christine\\_Boucher@azd.uscourts.gov](mailto:Christine_Boucher@azd.uscourts.gov). The questionnaires will be distributed to the parties  
27 electronically prior to the final pretrial conference. The parties shall be prepared to discuss  
28 the juror questionnaires at the final pretrial conference.

