

**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. 24
(Eighth Case Management Conference)
(Applies to All Actions)

The Court held an Eighth Case Management Conference with the parties on July 9, 2024. *See* Doc. 950. This order reflects matters discussed and decided during the conference.

1. The Court will hold a Ninth Case Management Conference on **August 16, 2024, at 10:00 a.m.** Arizona time. The conference will be held by Zoom. By the close of business on **August 14, 2024**, the parties shall file a joint memorandum providing an update on the topics addressed in the remainder of this order.

2. The parties reported that they have exchanged lists of 24 cases for PFS/DFS Group 1, and that neither side has identified an issue with Lexecon waivers. *See* CMO 10, Doc. 115 at 2-3.

3. The parties reported on the status of filings in state court. The parties will confer about a possible stipulation to coordinate discovery with the state-court cases and report on the status of their discussions at the next Case Management Conference.

1 4. Defendants provided an update on the substantial completion deadline for
2 DocuShare documents. The Court has some concern that the delayed production of these
3 documents will affect the first round of fact witness depositions. The Court expects that
4 all officers or employees of Defendants shall, by **July 16, 2024**, provide whatever
5 permission or consent is required for the full production of relevant DocuShare documents.
6 If such permission or consent has not been given in full by July 16, 2024, Defendants shall
7 file an explanation, signed by an executive-level officer, as to why such permission or
8 consent has not been granted. This explanation shall be filed by **July 18, 2024**.

9 5. The parties have reached preliminary agreements on the scope of document
10 discovery for the second group of 30 custodians. The parties shall provide an update on
11 these discussions at the next Case Management Conference. If the parties reach an impasse
12 on any issue related to this discovery before the next conference, they shall promptly
13 contact the Court for a phone conference to resolve the impasse.

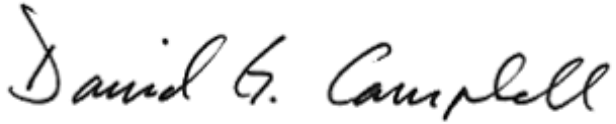
14 6. The parties provided an update on the deposition dates for the first 30
15 custodians that Plaintiffs requested on June 3, 2024. *See* CMO 21, Doc. 617 ¶ 5.
16 Defendants explained that they have proposed dates for the depositions of 23 of these
17 witnesses and will propose dates for a 24th in the next day or two. By **July 19, 2024**,
18 Defendants shall either propose deposition dates for the remaining witnesses or shall
19 provide Plaintiffs' counsel with their best contact information for such witnesses, enabling
20 Plaintiffs to serve subpoenas on these individuals.

21 7. The Court will issue orders to show cause to Plaintiffs Lorna Koch (24-cv-
22 00899) and Audrey Bell (24-cv-01052). The orders shall require these Plaintiffs to show
23 cause why their cases should not be dismissed for failure to serve PPFs or respond to
24 deficiency letters.

25 8. By **July 19, 2024**, counsel for Plaintiffs Leo Aime, III (24-cv-01101) and
26 Kimberly Roberto (24-cv-00891) shall respond in full to deficiency letters served on them
27 by defense counsel.
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1 9. By the next Case Management Conference, the parties shall either provide
2 the Court with agreed-upon stipulations concerning successor liability or, if they have been
3 unable to agree, shall outline in detail their respective positions with respect to successor
4 liability issues and discovery. This will enable the Court to provide appropriate guidance
5 in resolving and narrowing these issues at the next conference.

6 Dated this 10th day of July, 2024.

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10 David G. Campbell
11 Senior United States District Judge
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