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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 IN RE: Bard Implanted Port Catheter
10 Products Liability Litigation,

MDL No. 3081

CASE MANAGEMENT ORDER NO. 25

(Ninth Case Management Conference)

(Applies to All Actions)

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15 The Court held a Ninth Case Management Conference with the parties on
16 August 16, 2024. *See* Doc. 1124. This order reflects matters discussed and decided during
17 the conference.

18 1. The Court will hold a Tenth Case Management Conference on **October 3,**
19 **2024, at 1:00 p.m.** Arizona time. The conference will be held by Zoom. By noon on
20 **October 2, 2024,** the parties shall file a joint memorandum providing an update on the
21 topics addressed in the remainder of this order.

22 2. The parties reported on many developments in the case that need not be
23 recounted here. They are found in the parties' joint memorandum (Doc. 1095) and the
24 transcript of the CMC.

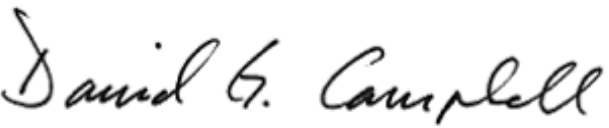
25 3. Plaintiffs Amber Garza (24-cv-00700), Janice Graham (24-cv-00696),
26 Marilyn Phillips (24-cv-01128), and Dawn Risas (24-cv-01227) have provided incomplete
27 PPFs that are not in compliance with CMO 8 (Doc. 113). The Court orders these Plaintiffs
28 to comply with CMO 8 by **August 28, 2024.**

1 8. For reasons stated on the record, the Court allots a total of 7.5 hours of
2 additional deposition time to Plaintiffs for the depositions of David Cise, John Evans, and
3 Kelly Powers. Plaintiffs shall not use more than 3 hours of this additional time on any one
4 of these witnesses.

5 9. The Court addressed Defendants' request to limit successor liability
6 discovery. For reasons stated on the record, the Court concludes that Plaintiffs are entitled
7 to conduct discovery on their five theories of successor liability against Defendant Becton
8 Dickinson ("BD"). Such discovery is relevant to Plaintiffs' claim against BD in this case,
9 and Defendants have not shown that the requested discovery into the theories would be
10 disproportionate.

11 The Court has not, however, ruled on the propriety of any specific successor liability
12 discovery request. By **October 3, 2024**, the parties shall complete the stipulation they have
13 been working on regarding the liability of the three Bard Defendants and the time period
14 for successor liability discovery about BD. The parties shall also endeavor to agree upon
15 the scope of successor liability discovery against BD and the search terms to be used in
16 that discovery. If disagreements on these issues exist on October 3, 2024, the Court likely
17 will require the parties to produce a matrix on the disputed issues by October 7, 2024, and
18 will endeavor to rule on the issues in the matrix by mid-October so successor liability
19 discovery can proceed on a schedule that will not interfere with the fact deposition
20 deadline.

21 Dated this 16th day of August, 2024.

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24 David G. Campbell
25 Senior United States District Judge
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