

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION

Case No. 2:18-md-2846

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

This document relates to:
ALL ACTIONS.

CASE MANAGEMENT ORDER NO. 46

On July 13, 2023, a Case Management Conference was held in this multidistrict litigation. This order memorializes developments in the third and fourth bellwether cases, Case No. 18-cv-1022, *Stinson v. Davol, Inc. et al.* and Case No. 18-cv-1440, *Bryan v. C.R. Bard, Inc. et al.*

For good cause shown, the Court **ADOPTS** the Parties' Stipulation Concerning Scheduling of Certain Case-Specific Developments.

IT IS SO ORDERED.

7/13/2023
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD, INC.,
POLYPROPYLENE HERNIA MESH
PRODUCTS LIABILITY LITIGATION

Case No.: 2:18-md-2846

This document relates to:

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

Aaron Stinson v. C.R. Bard, et al.
Case No. 2:18-cv-01022

**STIPULATION CONCERNING SCHEDULING OF
CERTAIN CASE-SPECIFIC DEVELOPMENTS**

Plaintiff and Defendants C. R. Bard, Inc. and Davol Inc. (collectively “Bard”), by and through their respective counsel, hereby stipulate and agree to the below schedule related to certain case-specific developments in the *Stinson* trial. Subject to later developments, the parties believe the below schedule allows for items to be completed sufficiently in advance of, and without a need for movement in, the start date of the *Stinson* trial, which is set for October 16, 2023:

- 1.) Efforts will be made to obtain records for Mr. Stinson’s July 7, 2023, post-operative visit, along with any other post-operative reports, immediately following the July 7 visit.
- 2.) Supplemental fact depositions and depositions of the new treating healthcare providers shall be completed by August 14, 2023, absent unforeseen circumstances.
- 3.) Plaintiff’s supplemental expert report(s) will be served on or before August 28, 2023. Plaintiff will provide two deposition dates for any supplementing expert contemporaneous with service of the expert report(s).
- 4.) Defendants’ supplemental expert report(s) will be served on or before September 13, 2023. Defendants will provide two deposition dates for any supplementing contemporaneous with service of the expert report(s).
- 5.) All supplemental expert depositions will be completed by September 27, 2023. The parties will confer in good faith on the needed time for these depositions but, for any

expert already deposed in this case, no supplemental deposition will exceed four hours unless good cause is shown.

- 6.) On a rolling basis, supplemental *Daubert* and other motions addressing expert issues will be filed within 7 days of receiving an expedited transcript of the supplemental deposition and will only raise subjects that are new based on the supplemental report and deposition. Responses will be due within 10 days of the Motion and Replies will be due within 5 days of the Response.
- 7.) Any motions in limine based on new facts/issues occasioned by new medical care and new discovery will be filed by August 25, 2023. Responses will be due within 10 days of the Motion. Consistent with the Scheduling Order (CMO 37-D), no replies are allowed without leave of Court.
- 8.) Additional deposition designations will be exchanged consistent with the provisions of the Scheduling Order (CMO 37-D).

Date: July 14, 2023

Respectfully submitted,

/s/Kelsey L. Stokes

Kelsey L. Stokes, Esq.
Texas Bar No. 24083912
FLEMING, NOLEN & JEZ, L.L.P.
2800 Post Oak Blvd.
Suite 4000
Houston, TX 77056-6109
Tel: (713) 621-7944
Fax: (713) 621-9638
kelsey_stokes@flaming-law.com

Attorney for Plaintiff

/s/Eric L. Alexander

Eric L. Alexander, Esq.
Reed Smith LLP
1301 K Street NW
East Tower Ste. 1000
Washington, DC 20005
Phone: 202-414-9200
Fax: 202-414-9299
ealexander@reedsmith.com

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of this electronic filing to all counsel of record.

/s/ Eric L. Alexander

Eric L. Alexander