

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COVIDIEN HERNIA MESH  
PRODUCTS LIABILITY LITIGATION (NO. II)

MDL No. 1:22-md-03029-PBS

This Document Relates To:

All Cases.

**CASE MANAGEMENT ORDER NO. 17**  
**(Procedure for Filing Under Seal)**

The Parties have met and conferred and have proposed the following Case Management Order (“CMO”) to govern the unique situation of a Party filing documents designated by another Party or a third party as “Confidential” or “Highly Confidential” under CMO No. 2 [[ECF No. 62](#)], which is anticipated in upcoming filings. The Parties and the Court seek to balance the need to preserve confidentiality with the public’s right to access court filings that adjudicate substantive issues in this litigation.

The Court finds the agreed CMO to be appropriate and, thus, hereby **ORDERS AS FOLLOWS:**

1. Motion to Temporarily Seal

A Party filing or opposing a motion that references and/or attaches as an exhibit documents designated as “Confidential” or “Highly Confidential” by another Party or third party pursuant to CMO No. 2, must file a Motion to Temporarily Seal at least one business day prior to filing the underlying motion/response. The Motion to Temporarily Seal shall contain a brief statement as to the reason for such a filing along with a statement that the underlying motion is being filed under seal pursuant to this CMO and that it will be sealed for a period of 10 days. After the Court grants the Motion to Temporarily Seal, the Clerk shall accept filing of the underlying motion under seal

pursuant to the terms of this CMO.

2. Courtesy Copies to Chambers

The filing Party must email a courtesy copy of the Motion to Temporarily Seal to chambers.

3. Motion to Seal by Designating Party

The Designating Party may file a Motion to Seal within 10 days after service of the Motion to Temporarily Seal. The Motion to Seal must identify each document and demonstrate that the interest in nondisclosure outweighs the public's interest in access. Reasonable extensions of the time to file may be permitted upon request, particularly when numerous confidential documents are at issue. If the Designating Party fails to timely file a Motion to Seal, the Clerk shall unseal the documents and make them publicly accessible.

4. Challenges to Sealing

Parties may not challenge the Motion to Temporarily Seal. However, they may oppose the Designating Party's Motion to Seal.

5. Scope of Procedure

This CMO does not apply to documents admitted into evidence as exhibits at trial.

**IT IS SO ORDERED** this 5th day of September, 2025.

/s/ M. Page Kelley, USMJ