

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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

This Document Relates To:

All Cases

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

JOINT MOTION FOR EXTENSION OF CASE SCHEDULE

COME NOW the Parties jointly to request a sixty (60) day extension of certain case deadlines set forth in Case Management Order No. 13 (ECF No. 292). The Parties believe good cause exists for a short extension of the case schedule to allow fact discovery to be completed before expert discovery begins, to prevent the need to amend expert reports and/or re-depose experts if new information is discovered during the completion of fact discovery. No trial dates have been set, so a short extension will not meaningfully alter the overall case schedule.¹

The Parties have worked diligently and cooperatively to complete general corporate discovery and case-specific fact discovery in the replacement bellwether case, *Claudia Juanz v. Covidien LP et al.*, No. 1:21-cv-12020. This work includes negotiating and reaching agreement on multiple document discovery issues and producing documents, as well as scheduling and completing more than a dozen depositions of Defendants' corporate witnesses in Europe and in the United States. Despite the Parties' diligence and best efforts, a small number of general

¹ As stated in more detail below, the Parties have been working diligently, utilizing every resource available, and jointly agree that the requested movement in the schedule is necessary to prevent prejudice and great expense to both sides. If the Court prefers, the Parties are happy to submit a joint memorandum of authorities supporting their request.

corporate witness depositions² as well as case-specific depositions in the *Juanz* case have not been scheduled yet and are unlikely to be completed by the current deadline of December 9, 2024.

Under the current schedule, Plaintiffs' expert reports are due in the bellwether cases, including in the *Juanz* case, by December 23, 2024. The Parties agree the outstanding fact depositions should be completed before Plaintiffs serve expert reports in the bellwether cases, to prevent either Party from possibly having to amend their expert reports and/or re-depose experts based on information discovered, if any, during the completion of the outstanding fact depositions.

The Parties agree that an additional sixty (60) days is necessary to complete the outstanding fact depositions, especially in light of the holidays in November and December.³ Specifically, the Parties propose the following changes to the schedule, which are reflected in the Proposed Order attached as Exhibit A to this motion. Notably, briefing on the manner, order, and timing of trial will not change under the Parties' proposal, therefore, this proposed movement would not change the Court's scheduling of trial.

Schedule	Current Deadline	Proposed New Deadline (+60 days)
Close general corporate discovery and case-specific fact discovery in <i>Juanz</i> case	12/9/2024	2/7/2025
Plaintiffs' expert reports due in Bellwether Pool cases	12/23/2024	2/21/2025
Defendants' expert reports due in Bellwether Pool cases	2/3/2025	3/4/2025
Plaintiffs' rebuttal expert reports due in Bellwether Pool cases	3/3/2025	4/2/2025
Close expert discovery in Bellwether Pool cases	5/28/2025	7/28/2025
Parties to identify mediator	2/10/2025	No change
Parties to complete mediation	9/22/2025	No change

² This does not include the four European witnesses for whom the PSC has initiated service of its Rule 45 subpoenas through the Hague. The parties have agreed that these depositions will take place once service of process is achieved by the foreign authorities.

³ The Parties agree to serve no additional written discovery absent agreement.

Parties to select Trial Cases	5/12/2025	7/11/2025
Dispositive and/or <i>Daubert</i> motions due in Trial Cases	6/9/2025	8/8/2025
Oppositions to dispositive and/or <i>Daubert</i> motions due in Trial Cases	7/14/2025	9/12/2025
Replies in support of dispositive and/or <i>Daubert</i> motions due in Trial Cases	7/28/2025	9/26/2025
Parties submit proposal(s) on manner, order, and timing of Trial Cases	9/26/2025	No change
Parties submit responses, if any, to proposal on manner, order, and timing of Trial Cases	10/3/2025	No change

WHEREFORE, the Parties respectfully request that the Court enter the accompanying Proposed Order extending certain case deadlines by sixty (60) days.

Dated: December 2, 2024

/s/ Kelsey L. Stokes

Kelsey L. Stokes

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Kelsy L. Stokes, certify that on December 2, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of this electronic filing to all counsel of record.

/s/ Kelsy L. Stokes

Plaintiffs' Co-Lead Counsel

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COVIDIEN HERNIA MESH
PRODUCTS LIABILITY LITIGATION
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CASE MANAGEMENT ORDER NO. ____
(Revised Scheduling Order – General Corporate and Expert Discovery;
Dispositive Motions)

The Court revises Case Management Order No. 13, extending certain deadlines, as follows:

I. GENERAL CORPORATE DISCOVERY DEADLINE

The deadline for the completion of general corporate discovery is extended to February 7, 2025.

II. EXPERT DISCOVERY FOR BELLWETHER DISCOVERY POOL PLAINTIFFS

Plaintiffs shall now serve expert disclosures and reports by February 21, 2025.

Defendants shall now serve expert disclosures and reports by March 4, 2025.

Plaintiffs may now serve rebuttal expert reports by April 2, 2025.

Expert discovery closes July 28, 2025.

III. MEDIATION

The deadline for the parties to identify a mediator remains February 10, 2025. The deadline for the parties to complete mediation remains September 22, 2025.

IV. SELECTION OF TRIAL CASES

The parties now have until July 11, 2025 to identify one plaintiff from the Bellwether Discovery Pool to be the first of two cases tried (“Trial Cases”).

V. DISPOSITIVE/DAUBERT MOTIONS

The deadline for the parties to file dispositive and/or *Daubert* motions in the Trials cases is extended to August 8, 2025.

Oppositions to any dispositive and/or *Daubert* motion in the Trial Cases are now due September 12, 2025.

Replies in further support of any dispositive and/or *Daubert* motions in the Trial Cases, if any, must be filed no later than September 26, 2025.

VI. MANNER AND ORDER OF TRIAL CASES

The deadlines for the parties to submit, jointly or separately, a proposal on the manner of trial, the order of the Trial Cases, and the timing of trial remains September 26, 2025. Responses, if any, shall still be filed no later than October 3, 2025.

SO ORDERED.
