

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

**IN RE: BIOZORB PRODUCT LIABILITY  
LITIGATION**

This document relates to: All Plaintiffs

**Case No. 1:22-cv-11895-ADB**

**UNOPPOSED MOTION FOR ENTRY OF ORDER  
APPOINTING PLAINTIFFS' LEADERSHIP**

Plaintiffs in the above-captioned cases by and through their undersigned counsel respectfully submit this unopposed motion to appoint Plaintiffs' leadership. In support of their joint motion, the Plaintiffs state as follows:

1. The undersigned counsel have worked diligently on these matters over the course of the last two years.
2. Establishing a leadership structure will not delay trial or prejudice either party. Accordingly, the Plaintiffs request an order appointing Plaintiffs' Leadership as set forth in the proposed order attached hereto as **Exhibit A**.
3. Defendant Hologic does not oppose the entry of the proposed order.

WHEREFORE, counsel for the Parties respectfully request that the Court grant their motion for entry of Order Appointing Plaintiffs' Leadership, and enter the proposed order attached hereto as **Exhibit A**.

Respectfully submitted,

Dated: February 27, 2025

PLAINTIFFS,  
By their attorneys,

/s/ Christina D. Crow

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**CERTIFICATE OF SERVICE**

I, Christina D. Crow, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on February 27, 2025.

/s/ Christina D. Crow  
Christina D. Crow

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DISTRICT OF MASSACHUSETTS**

**IN RE: BIOZORB PRODUCT LIABILITY  
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This document relates to: All Plaintiffs

**Case No. 1:22-cv-11895-ADB**

**ORDER APPOINTING PLAINTIFFS' LEADERSHIP**

This Order shall apply to Evers, et al v. Hologic, Inc., et al, Case No. 1:22-cv-11895(ADB) and all current and future related actions.

**I. Plaintiffs' Leadership**

**A. Appointment of Counsel**

The Court appoints the following attorneys as Co-Lead Counsel and Plaintiffs' Executive Committee ("PEC"), hereinafter also referred to as Plaintiffs' Leadership:

**CO-LEAD COUNSEL FOR PLAINTIFFS:**

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**PLAINTIFFS' EXECUTIVE COMMITTEE (PEC):**

**Co-Chairs of Bellwether Proceedings:**

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**Chair of Discovery:**

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**B. Designations and Future Changes in Leadership Structure**

These designations are of a personal nature. This Court looks to this counsel to undertake personal responsibility to perform the designated functions and reserves the discretion to replace these counsel should they become unable or unwilling to do so or should such other circumstances arise that warrant the same. Plaintiffs' Leadership may, in the future and upon application and approval of the Court, expand the PEC and/or organize and create a Plaintiffs' Steering Committee ("PSC").

**C. Duties and Responsibilities of Plaintiffs' Leadership Counsel**

Co-Lead Counsel shall be charged with formulating and presenting Plaintiffs' positions on common substantive and procedural issues arising during these pretrial proceedings and shall be deemed able to bind all plaintiffs' counsel to decisions regarding same. Co-Lead Counsel shall submit and argue all motions and other matters and at least one of the Co-Lead Counsels shall attend status conferences and such other hearings or conferences as may occur. Co-Lead Counsel shall work with opposing counsel in developing and implementing a litigation plan to ensure pretrial proceedings are conducted effectively, efficiently, and economically. Co-Lead Counsel may delegate specific tasks to other counsel to further these prescribed goals.

Duties of Co-Lead Counsel may be delegated to members of the PEC (and the PSC if/when applicable) and include, but are not limited to, the following:

**Administration**

- a. Call meetings of counsel for Plaintiffs for any appropriate purpose;
- b. Perform any task necessary and proper to accomplish its responsibilities as defined by the Court's orders, including assigning and delegating tasks and organizing a PSC;

- c. Monitor the activities of the PEC and other co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
- d. Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format;
- e. Provide periodic reports to other counsel not on Plaintiffs' Leadership;
- f. To coordinate services and filings;
- g. To maintain and distribute to co-counsel and to Defendants' Counsel an up-to- date service list;
- h. To receive and distribute all pleadings, all Court orders, and motions, provided all counsel shall continue to receive all notices through the Court's CM/ECF filing system;
- i. To maintain in conjunction with their accountant records of receipts and disbursements advanced by members of the PEC (and PEC if/when formed) and submit reports related to disbursements and receipts;
- j. To act as treasurer for any common benefit assessments and expenses, which shall be allocated to one of the PEC members, not all;
- k. To maintain and make available to all Plaintiffs' counsel of record at reasonable hours a complete file of all documents served by or upon each party (except such documents as may be available at a document depository);
- l. To be available for any telephone conferences convened by the Court and

to communicate the substance of any such telephone conference to all other Plaintiffs' counsel; and

- m. Perform such other functions as may be expressly authorized by further orders of the Court.

**Discovery**

- a. Negotiate with Defendants and present to the Court a proposed pretrial discovery plan and bellwether trial proposal on behalf of all coordinated cases.
- b. Initiate, coordinate, and conduct pretrial discovery on common issues applicable to all plaintiffs who file civil actions in this Court or are consolidated with this action and are part of this proceeding, including but not limited to general causation and liability issues;
- c. Develop and propose to the Court schedules for the commencement, execution, and completion of discovery on behalf of Plaintiffs;
- d. Initiate, coordinate, and cause to be issued in the name of all Plaintiffs the necessary discovery requests, motions and subpoenas pertaining to any witnesses and documents needed to properly prepare for the pretrial discovery of relevant issues; and
- e. Conduct all discovery in a coordinated and consolidated manner on behalf of and for the benefit of all Plaintiffs.

**Motion Practice and Hearings**

- a. Call meetings of counsel for plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any



other appropriate matter(s) pertaining to pretrial proceedings;

- b. Submit and argue motions presented to the Court on behalf of all Plaintiffs as well as oppose, when necessary, any motions submitted by Defendants or third parties;
- c. Examine or designate other counsel to examine witnesses and introduce evidence at hearings on behalf of Plaintiffs; and
- d. Act or designate other counsel to act as spokesperson(s) for Plaintiffs at pretrial proceedings and in response to any inquiries by the Court.

**Contact with Defense Counsel**

- a. Initiate, coordinate and conduct (or designate others to do so) the requisite meet and confers with Defendants, confer with Defendants regarding procedural matters, and negotiate and enter into stipulations with Defendants regarding this litigation; and
- b. Explore or designate other counsel to explore, develop and pursue settlement options with Defendants on behalf of Plaintiffs.

**D. Communications with the Court**

All communications from Plaintiffs with the Court regarding common issues shall be through Co-Lead, Liaison Counsel, or the PEC. If circumstances require direct correspondence with the Court by an individual counsel, copies of any such communications shall be simultaneously served upon the Plaintiffs Co-Lead, Liaison Counsel, and PEC.

**E. No Waiver of Privilege**

The Court recognizes that cooperation by and among plaintiffs' counsel is essential for the orderly and expeditious resolution of this litigation. The communication of information among and between plaintiffs' counsel shall not be deemed a waiver of the attorney-client privilege and/or the work product doctrine, if the privilege or doctrine is otherwise applicable, and all of such persons shall maintain the confidentiality of such communications. Cooperative efforts contemplated above shall in no way be used against any plaintiff by any defendant. Nothing contained in this provision shall be construed to limit the rights of any party or counsel to assert the attorney-client privilege or attorney work product doctrine.

**F. Individual Claimants' Counsel Responsibility for Their Respective Clients.**

Plaintiffs' Leadership do not have an attorney-client relationship with all plaintiffs by virtue of their leadership role prescribed under this Order. Under no circumstances are Plaintiffs' Leadership responsible for filings, discovery, or any other issue or matter related to an individual plaintiff's case or claim and are in no way responsible for fulfilling the duties and responsibilities that an individual attorney or law firm owes their client(s) in the prosecution of their individual case(s).

**SO ORDERED:**

Dated: \_\_\_\_\_, 2024

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The Honorable Allison D. Burroughs  
United States District Judge

Distribution: all counsel of record