

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

JOINT STATUS REPORT

In advance of the scheduled March 31, 2025 status conference, Plaintiffs and Hologic, Inc. (“Hologic”) jointly file this status report to update the Court on the progress of the BioZorb Litigation. The Parties look forward to the opportunity to discuss the status of the litigation and address any questions the Court may have.

* * *

Overview of case filings. As of the date of this filing, there are a total of 30 complaints involving 122 total plaintiffs pending before this Court, all of whom are represented by the undersigned plaintiffs’ counsel.¹

Status of Trial Pool Plaintiff Discovery. Pursuant to the Court’s February 26, 2024 order establishing a bellwether plan for the BioZorb litigation (the “Bellwether Order”), the Parties have been diligently and cooperatively pursuing discovery for the four Trial Pool Plaintiffs. As set forth in the Parties’ December 19, 2024 submission, the Trial Pool Plaintiffs are:

1. Kimberly Taylor (*Chambers*, No. 1:23-cv-10260) -- Plaintiff pick
2. Beth Deuel (*Shirkey*, No. 1:23-cv-10579) -- Hologic pick

¹ One case involving six plaintiffs, *Roberts v. Hologic, Inc.*, No. 1:25-cv-10636, was filed by undersigned counsel Cowper Law PC, as well as by Jason J. Joy & Associates, PLLC.

3. Cynthia Kresch (*Chambers*, No. 1:23-cv-10260) -- Plaintiff pick
4. Pamela Gibson (*Stine*, No. 1:23-cv-10599) – Hologic pick

The Parties are on track to timely complete fact discovery relating to the Trial Pool Plaintiffs. As of the date of this submission, the Parties have completed twenty third-party fact witness depositions for the Trial Pool Plaintiffs. Two additional third-party witness fact depositions have been scheduled, and the Parties are working on scheduling two others. The Parties are accordingly on track to complete case-specific fact discovery for the first two bellwether trials by the May 27, 2025 deadline. *See* ECF No. 218, at 1.

On February 14, 2025, the Court entered Pretrial Orders for *Taylor* (ECF No. 226) and *Deuel* (ECF No. 227) which set additional pre-trial deadlines in those cases, including deadlines for filing motions *in limine*, pre-trial memoranda, and trial briefs.

Plaintiffs’ Discovery on Hologic. The Parties have been working cooperatively to complete discovery on Hologic. The Parties have met and conferred on discovery issues related to the Plaintiffs’ contentions that Hologic has failed to adequately respond and/or supplement discovery responses and are attempting to resolve those issues. Plaintiffs have requested depositions of twenty current or former Hologic employees (including four sales representatives pertaining to the Trial Pool Plaintiffs), and on August 23, 2024, served a Rule 30(b)(6) deposition notice on Hologic, which noticed several different topics. To date, eleven Hologic company witnesses have been deposed, including three Rule 30(b)(6) witnesses.² Eight additional company witness depositions have been scheduled; seven of those depositions will take place between April

² A second day for one company witness (the Rule 30(b)(6) witness on topics pertaining to sales and marketing) has been scheduled for April 4, 2025.

8, 2025 and May 23, 2025.³ The Parties are working to schedule the remaining fact depositions and are meeting and conferring to address any remaining discovery issues. The Parties are accordingly on track to complete corporate discovery on Hologic in advance of the May 27, 2025 deadline. *See* ECF No. 218, at 1.

Trial. During the January 15, 2025 status conference, the Court set the date for the first bellwether trial (*Taylor*) as September 8, 2025, and the date for the second bellwether trial (*Deuel*) as January 20, 2026. *See* ECF 208. Trial dates have not yet been set for the second two bellwether trials.

Order Appointing Plaintiffs' Leadership. On March 11, 2025, the Court entered Plaintiffs' unopposed request for an order appointing members of the undersigned counsel's firms into leadership positions. *See* ECF No. 232. The leadership structure coordinates discovery, motion practice, and case administration for cases in the *In re BioZorb Product Liability Litigation*.

Respectfully submitted,

Dated: March 28, 2025

HOLOGIC, INC.,
By its attorneys,

/s/ Daniel P. Tighe
Daniel P. Tighe (BBO No. 556583)
Pietro A. Conte (BBO No. 707055)
Donnelly, Conroy & Gelhaar, LLP
260 Franklin Street, Suite 1600
Boston, Massachusetts 02110
dpt@dcglaw.com
pac@dcglaw.com

PLAINTIFFS,
By their attorneys,

/s/ Christina D. Crow
Christina D. Crow (admitted *pro hac vice*)
C. Elizabeth Littell Courson (admitted *pro hac vice*)
Jinks Crow, P.C.
219 Prairie Street North
P.O. Box 350
Union Springs, AL 36089

³ By agreement of the Parties, one company witness deposition, the sales representative pertaining to Plaintiff Gibson, will take place on May 28, 2025.

T: +1 617.720.2880

Daniel S. Pariser (admitted *pro hac vice*)
Jocelyn A. Wiesner (admitted *pro hac vice*)
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW
Washington, D.C. 20001
daniel.pariser@arnoldporter.com
jocelyn.wiesner@arnoldporter.com
T: +1 202.942.5000

Lori B. Leskin (admitted *pro hac vice*)
Kaitlyn Schaeffer (admitted *pro hac vice*)
Arnold & Porter Kaye Scholer LLP
New York, New York 10019
lori.leskin@arnoldporter.com
kaitlyn.schaeffer@arnoldporter.com

christy.crow@jinkscrow.com
lisa.littell@jinkscrow.com
T: +1 334-738-4225

Elizabeth Ryan (BBO No. 549632)
John Roddy, (BBO No. 424240)
Bailey & Glasser LLP
176 Federal Street, 5th Floor
Boston, MA 02110
eryan@baileyglasser.com
jroddy@baileyglasser.com
T: +1 617-439-6730

C. Moze Cowper (admitted *pro hac vice*)
Cowper Law
12301 Wilshire Blvd., Ste. 303
Los Angeles, CA 90025
mcowper@cowperlaw.com
T: +1 877-529-3707

Robert E. Price (*pro hac vice*)
Ketterer Browne and Associates
4300 Bayou Blvd. Ste. 16, Fl. 2
Pensacola, FL 32503
robert@kbaattorneys.com
T: +1 850-805-7011

CERTIFICATE OF SERVICE

I, Pietro A. Conte, 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 March 28, 2025.

/s/ Pietro A. Conte
Pietro A. Conte