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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA



IN RE: Bard Implanted Port Catheter
Products Liability Litigation,

MDL No. 3081

**CASE MANAGEMENT
ORDER NO. 17**

**(Plaintiff Fact Sheets and Defendants
Fact Sheets)**

Pursuant to Case Management Order No. 10 (Doc. 115 at 3), the Court enters this Case Management Order regarding the contents of the Plaintiff Fact Sheet (“PFS”) and Defendants Fact Sheet (“DFS”). The PFS agreed upon by the Parties and approved by the Court is attached as Exhibit 1 to this Order. The DFS agreed upon by the Parties and approved by the Court is attached as Exhibit 2 to this Order. No substantive changes shall be made to the PFS or DFS without agreement of the parties or approval of the Court. However, formatting changes shall be permitted to facilitate use of the documents electronically.

All of the deadlines, procedures, instructions, and requirements regarding the PFS and DFS and the PFS/DFS Group 1 set forth in Case Management Order No. 10 remain in full force and effect, and nothing in this Order is intended to change or nullify any of those requirements. All parties required to submit PFSs and DFSs are presumed to be familiar with the contents of Case Management Order No. 10 and compliance is required.

In addition, as they are doing so with respect to the Profile Forms, Plaintiffs and Defendants shall use the MDL Centrality online system accessible at www.mdlcentrality.com/BardPort to complete and serve PFSs and DFSs, as follows:

- 1 (a) If they have not already done so, each Plaintiff shall, by counsel or as pro se,
2 establish a secure online portal with the MDL Centrality online system and
3 obtain authorized usernames and secure login passwords to permit use of
4 MDL Centrality by such counsel or Plaintiff. Except as set forth herein,
5 counsel for a Plaintiff or each pro se Plaintiff shall be permitted to view,
6 search, and download on MDL Centrality only those materials submitted by
7 that Plaintiff and by Defendants relating to that Plaintiff only, and not
8 materials submitted by or relating to other Plaintiffs.
- 9 (b) If they have not already done so, Defendants shall establish a secure online
10 portal with the MDL Centrality online system and obtain authorized
11 usernames and secure login passwords to permit use of MDL Centrality by
12 Defendants' counsel.
- 13 (c) Plaintiffs' Co-Lead Counsel and attorney designees in the Plaintiffs'
14 Leadership Committee ("PLC"), as appointed by Plaintiffs' Co-Lead
15 Counsel, shall have access to and be able to view, search, and download all
16 materials submitted by all Plaintiffs and by all Defendants.
- 17 (d) Each Plaintiff and Defendants shall use MDL Centrality to obtain, complete,
18 or upload data and serve the appropriate Fact Sheet online (including the
19 upload of PDFs of documents required to be produced with the Fact Sheet).
- 20 (e) Service of a completed Fact Sheet shall be deemed to occur when the
21 submitting party has performed each of the steps required by MDL Centrality
22 to execute the online submission of the materials and the submitting party has
23 received confirmation on screen that the materials have been successfully
24 submitted. Immediately upon submission of a PFS by a Plaintiff, MDL
25 Centrality shall send notification of the submission to Defendants at portppf-
26 pfs@nelsonmullins.com and portppf-pfs@mccarter.com. Immediately upon
27 submission of a DFS by Defendants, MDL Centrality shall send notification
28 of the submission to the Plaintiff's counsel of record at the email address(es)

1 provided upon registration for MDL Centrality, with a copy to the PLC by
2 operation of an email distribution list provided to MDL Centrality by
3 Plaintiffs' Co-Lead Counsel.

4 (f) If a party must amend a previously served Fact Sheet, all subsequent versions
5 must be named accordingly ("First Amended Plaintiff Fact Sheet," "Second
6 Amended Plaintiff Fact Sheet," etc.), and all iterations of a party's Fact Sheet
7 must remain available and accessible to all parties to a case through trial,
8 appeal (if any), or other resolution of the litigation. Immediately upon
9 submission of an amended PFS, MDL Centrality shall send notification of the
10 submission to Defendants at portppf-pfs@nelsonmullins.com and portppf-
11 pfs@mccarter.com. Immediately upon submission of an amended DFS, MDL
12 Centrality shall send notification of the submission to the Plaintiff's counsel
13 of record at the email address(es) provided upon registration for MDL
14 Centrality, with a copy to the PLC by operation of an email distribution list
15 provided to MDL Centrality by Plaintiffs' Co-Lead Counsel.

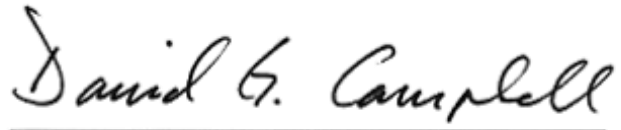
16 (g) The Court may establish a secure online portal with the MDL Centrality
17 online system and obtain an authorized username and secure login password
18 to permit use of MDL Centrality by the Court.

19 (h) MDL Centrality should not be viewed as an alternate or supplemental docket
20 in this case. It shall be used for the collection and presentation of discovery
21 material that would not normally be filed in the Court's docket, such as PPFs,
22 DPFs, Plaintiff and Defendant fact sheets, privilege logs, and correspondence
23 related to such discovery matters. Any item that would ordinarily be filed in
24 the Court's docket should be so filed. The Court will not regularly review or
25 monitor MDL Centrality. Doing so is the responsibility of defense counsel
26 and Plaintiffs' leadership counsel.

27 The use of MDL Centrality by any party shall not alter or otherwise waive or affect
28 any attorney-client privilege or work-product doctrine protection otherwise available. Any

1 notations placed on materials, comments entered, or documents stored or uploaded to MDL
2 Centrality by a user shall be considered to be the work product of such user unless and until
3 the material is served on or purposefully disclosed to the opposing party through the use of
4 MDL Centrality or otherwise. Pursuant to Rule 502(d) of the Federal Rules of Evidence,
5 this Order with respect to privilege and work-product doctrine protection applies to any
6 other federal or state proceeding.

7 Dated this 8th day of March, 2024.

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10 David G. Campbell
11 Senior United States District Judge
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