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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 IN RE: Bard Implanted Port Catheter
10 Products Liability Litigation
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MDL No. 3081

CASE MANAGEMENT ORDER NO. 26

(Tenth Case Management Conference)

(Applies to All Actions)

15 The Court held a Tenth Case Management Conference with the parties on
16 October 3, 2024. *See* Doc. 1347. This order reflects matters discussed and decided during
17 the conference.

18 1. The Court will hold an Eleventh Case Management Conference on
19 **November 7, 2024, at 2:00 p.m.** Arizona time. The conference will be held by Zoom. By
20 noon on **November 6, 2024**, the parties shall file a joint memorandum.

21 2. The parties discussed the state of discovery, including the fact that many
22 documents have been produced late by Defendants and a number of depositions have been
23 moved by the parties beyond the time period ordered by the Court. The Court also
24 addressed Plaintiff's request to extend the fact discovery period by approximately two
25 months. The Court declined to extend the discovery schedule. The Court directed the
26 parties to identify all dates available for depositions between now and the end of January,
27 discuss all fact depositions that remain in this case, and confer about whether the
28 depositions can be completed before the end of January. By **October 18, 2024**, the parties

1 shall file a joint memorandum setting forth their views on whether the depositions can be
2 completed by the end of January and explaining why. The Court will review the joint
3 memo and, if scheduling requires urgent attention, set a conference with the parties during
4 the week of October 21, 2024. Otherwise, the Court will revisit this issue at the Eleventh
5 Case Management Conference.

6 3. The Court discussed with the parties Plaintiffs' contention that Defendants
7 have not adequately responded to interrogatories and requests for admission on the
8 chemical compositions of their products. In response to the Court's question, Defendants
9 clarified on the record that they are not withholding information regarding this issue and
10 are not aware of additional places where it could be located within Defendants' custody
11 and control. In light of these record clarifications, the Court concluded there was no cause
12 to require Defendants to provide further discovery responses. If additional information is
13 produced by Defendants on this issue in the future and Plaintiffs have a basis for believing
14 it was purposefully withheld, Plaintiffs may raise that issue with the Court.

15 8. The Court conferred with the parties about Plaintiff's request that the Court
16 review, *in camera*, 50 of Defendants' privileged documents identified by Plaintiffs. After
17 hearing the parties' conflicting descriptions of their discussions of the privilege issue, the
18 Court concluded that additional conferrals between the parties are necessary. The Court
19 directed Plaintiffs promptly to identify for Defendants 20 of the 50 documents they wanted
20 the Court to review, and directed the parties to meet and confer about these documents and
21 other privilege- and redaction-related issues during the next two weeks. In the joint memo
22 to be filed on **October 18, 2024**, the parties should describe the results of their conferrals
23 and specific privilege issues that remain.

24 9. The Court granted Defendants one additional hour for each of the following
25 depositions: David Cise, John Evans, and Kelly Powers.

26 10. The Court declined at this time to order the depositions of Kimberly
27 Hammond and John Beasley. The parties should address this issue in their joint memo
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1 before the next case management conference, and specifically whether other depositions
2 will provide the information Plaintiffs need from these witnesses.

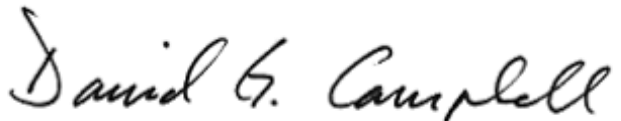
3 11. By **October 16, 2024**, counsel for the following Plaintiffs shall comply with
4 CMO 8:

- 5 • Arleen Peavy, 24-cv-01533
- 6 • Tracey Bogan, 24-cv-01236
- 7 • Konecca Moody, 24-cv-01216
- 8 • Mable Knight, 24-cv-01506
- 9 • Julie Simmons, 24-cv-01505
- 10 • Tammy Phillips, 24-cv-01276
- 11 • Monica Dick, 24-cv-01532
- 12 • Janetta Moss, 24-cv-01535
- 13 • Toni Rouchon, 24-cv-01822
- 14 • Loretta Colley, 24-cv-01504
- 15 • Loretta Epps, 24-cv-01421
- 16 • Brittney Isidore, 24-cv-01501
- 17 • Roland Johnson, 24-cv-01456
- 18 • Lelia Mullins, 24-cv-01502
- 19 • James Terry, 24-cv-01454
- 20 • Constance Gomez, 24-cv-01918
- 21 • Harold Binkley, 24-cv-01712
- 22 • Amy Alsworth, 24-cv-01508

23 12. As discussed, the parties shall submit to the Court a stipulated and revised
24 version of CMO 16.

25 13. The parties shall also submit a revised version of the stipulation on successor
26 liability.

27 Dated this 3rd day of October, 2024.

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David G. Campbell

3 Senior United States District Judge