

**THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE: ETHICON PHYSIOMESH FLEXIBLE COMPOSITE HERNIA MESH PRODUCTS LIABILITY LITIGATION	MDL DOCKET NO. 2782  CIVIL ACTION NO. 1:17-md-02782-RWS

**PRACTICE AND PROCEDURE ORDER NO. 33**

**(Order to Show Cause for Plaintiffs with Unreturned Releases)**

Plaintiffs' Leadership reached an agreement to resolve certain pending actions in this MDL 2872 effective September 7, 2021. Since that time the Court has continued to monitor the progress of the resolution of cases including requesting and receiving information from MDL leadership regarding the settlement. The Court is aware that all cases identified on Exhibit A, attached hereto, received an offer to resolve their case on April 27, 2022. The cases identified on Exhibit A had their offers revoked beginning in December of 2022, as a result of having not returned a release. When the Court inquired as to the current status of the cases on Exhibit A,


it was informed that Plaintiffs' Leadership contacted all plaintiffs' counsel for cases on Exhibit A to ascertain the intent of plaintiffs. Plaintiffs' Leadership has informed the Court that based on Leadership's communications with counsel for those cases listed on Exhibit A, each plaintiff's counsel was either (1) not responsive to requests from Plaintiffs' Leadership, or (2) responded indicating that counsel was unable to locate the Plaintiff or a representative of Plaintiff.

Based on the foregoing and in an effort to manage this docket, counsel for plaintiff in any case on Exhibit A is **HEREBY ORDERED** to appear before the Honorable Richard W. Story in the United States District Courthouse located at 121 Spring Street SE, Gainesville, Georgia 30501 at 10:00 a.m. on November 8, 2023, to discuss the intent of the plaintiffs with regard to his or her case.

It is further **ORDERED** that (1) individual plaintiffs whose cases are shown on Exhibit A shall appear in person for this hearing with counsel of record as reflected on the docket sheet for that plaintiff's case; and (2) any plaintiff who fails to comply with this Practice and Procedure Order may be subject to sanctions, including potential dismissal with prejudice.

The Court DIRECTS the Clerk to file a copy of this order in 1:17-md-02782 and in the cases identified on Exhibit A. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the Court. The orders may be accessed through the CM/ECF system or the court's website.

SO ORDERED, this 8<sup>th</sup> day of Sept., 2023.

  
RICHARD W. STORY  
United States District Judge

## Exhibit A

Civil Action Number	Plaintiff First Name	Plaintiff Last Name	Plaintiff Law Firm
1:18cv03003-RWS	Tammie	Wright	Allan Berger & Associates
1:18cv02574-RWS	Lori	Anthony	Bailey & Glasser, LLP
1:18cv03498-RWS	Michelle	Green	Bailey & Glasser, LLP
1:18cv03541-RWS	Misty	Roinestad	Bailey & Glasser, LLP
1:18cv02468-RWS	Paul	Copley II	Eves Law Firm, PLLC
1:17cv04690-RWS	James	Mullins	Gary S. Logsdon & Associates
1:18cv01399-RWS	Mary	Steele	Marc J. Bern & Partners LLP
1:18cv02352-RWS	Stephen	Grubbs	Morris Bart
1:18cv02348-RWS	Margaret	Rudoy	Murray Law Firm
1:21cv00291-RWS	Angela	Hendricks Moore	Pulaski Kherkher, PLLC
1:19cv01963-RWS	Tomycia	Allen	Seeger Weiss, LLP