

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

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

**ORDER**

An initial case management conference was held on August 1, 2017 before the undersigned.

**1. Plaintiffs' Leadership**

Plaintiffs' "Proposed Counsel Organizational Structure" (Doc. 192) is granted. Any additional applications for membership in the Plaintiffs' Steering Committee shall be filed with the Court by not later than August 8, 2017.

Once the Court has addressed any additional Plaintiffs' Steering Committee application(s), Plaintiffs' Co-Lead Counsel shall submit a proposed order appointing leadership counsel, which order shall address the respective responsibilities of lead and liaison counsel, as well as the Plaintiffs' Steering Committee.

## **2. Defendants' Leadership**

The defendants shall submit a proposed order appointing leadership counsel, which order shall address the respective responsibilities of lead and liaison counsel.

## **3. Direct Filing**

The Court orders the parties to confer on the preparation of an order to provide for the “direct filing”<sup>1</sup> of complaints in the Northern District of Georgia. The order shall provide that for each complaint direct-filed in this MDL for which the Northern District of Georgia may not otherwise have jurisdiction, the Complaint shall indicate on its face an appropriate jurisdiction and venue. The entry of a direct filing protocol shall in no way be interpreted as a waiver by the Defendants of any objection or defense, including, but not limited to, venue, personal jurisdiction, or those protections authorized under *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998). Any objection by Defendants to jurisdiction or venue with respect to any particular case will be preserved.

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<sup>1</sup> A “directly filed case” is a case filed in the Northern District of Georgia for inclusion in this MDL, but as to which Defendants may contend that the Northern District of Georgia may not have personal jurisdiction over the parties, or with respect to which Defendants may contend that the federal venue requirements may not be met in the Northern District of Georgia.

#### **4. Master and Individual Docket Filing**

The Court hereby directs that all pleadings, motions, and orders applicable to all cases shall be filed in the MDL No. 2782 master docket – docket number: 1:17-MD-2782. If a document does not pertain to all cases in MDL No. 2782, then it shall be filed only in the member action’s individual docket. In the event a case is remanded to the transferor court (or for directly filed cases, a federal district court of proper venue as defined in 28 U.S.C. § 1391), each party shall have the opportunity to designate filings in the master docket for inclusion in the individual docket on remand.

#### **5. Stay Order**

The Court’s June 21, 2017 Order (Doc. No. 151) staying all responsive pleading, discovery, disclosure, and other case management obligations, including Defendants’ obligations to file initial responsive pleadings and/or answers, shall remain in effect pending further order of the Court.

#### **6. Motions and Discovery Disputes**

Motions shall comply with this Court’s Practice and Procedure Order and Notice of Initial Conference paragraph 4(d). (Case No. 1:17-md-2782-RWS, Doc. 148, June 21, 2017).

**7. Case Management Orders**

The Court directs the parties to meet and confer regarding the procedural, case management, and discovery issues discussed during the initial conference and prepare proposals governing case management to be discussed at the next scheduled status conference.

**8. Status Conferences**

The Court will hold regular status conferences, approximately every month. Lead and liaison counsel are expected to attend status conferences in person whenever possible. The dates for the remaining status conferences for 2017 shall be as follows:


September 12, 2017 at 2:00 p.m. EDT

October 10, 2017 at 2:00 p.m. EDT

November 16, 2017 at 2:00 p.m. EST

December 7, 2017 at 2:00 p.m. EST.

SO ORDERED, this 3<sup>rd</sup> day of August, 2017.

  
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RICHARD W. STORY  
United States District Judge