

**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
THIS DOCUMENT RELATES TO  James Bovian – 1:17-cv-04840  Jim B. and Diane Crumbley – 1:18- cv-00748  Danielle Guffey – 1:18-cv-00402  Jeffrey Smith – 1:17-cv-05031	

**AMENDED DISCOVERY, SCHEDULING, AND CASE  
MANAGEMENT ORDER FOR TRIAL CASES**

Having considered the proposals of the parties presented to this Court relative to case management and the remaining pre-trial deadlines, the Court

**ORDERS:**

1. Selection of Trial Cases.

- a. The parties have selected the following cases for immediate trial work-up (“Trial Cases”):

- James Bovian – 1:17-cv-04840
- Jim B. and Diane Crumbley – 1:18-cv-00748
- Danielle Guffey – 1:18-cv-00402
- Jeffrey Smith – 1:17-cv-05031

## 2. First Trial Case

a. Selection: Plaintiffs have selected the Crumbley matter as the first trial case (“First Trial Case”).

b. Deposition Designations:

On February 1, 2021, the Parties shall submit deposition designations and objections by filing transcripts clearly designating by color coding or another suitable method what testimony is agreed to, and what testimony is disputed. The nature of the objection and the party asserting the objection shall be noted on the transcript adjacent to the testimony in question.

c. Exhibit and Witness List: The parties will meet and confer concerning proposed trial exhibits for the First Trial Case. The witness and exhibit list shall be submitted to the Court on February 1, 2021. With respect to exhibits, the exhibit list shall clearly indicate whether each exhibit is stipulated to be authentic

and/or admissible into evidence or whether there is an objection to the introduction of the exhibit.

d. Joint Pretrial Order: The Joint Pretrial Order shall be submitted by February 1, 2021.

e. Final Pretrial Conference: The Final Pretrial Conference is set for February 17, 2021 at 10:00 a.m.

f. Trial: Trial of the First Trial Case shall begin on **March 18, 2021**. The trial is expected to last two (2) to (3) weeks.

3. Second Trial Case

a. Second Trial Selection: Defendants have selected the *Guffey* matter as the second trial case (“Second Trial Case”).

b. Motions: Dispositive or *Daubert* motions shall be filed in the Second Trial Case by April 16, 2021. Responses shall be filed by April 30, 2021. Replies shall be filed by May 14, 2021.

c. Deposition Designations:

On May 7, 2021, the Parties shall submit deposition designations and objections by filing transcripts clearly designating by color coding or another suitable method what testimony is agreed to, and what testimony is disputed. The nature of the objection and the party

asserting the objection shall be noted on the transcript adjacent to the testimony in question.

- d. Exhibit and Witness List: The parties will meet and confer concerning proposed trial exhibits for the Second Trial Case. The witness and exhibit list shall be submitted to the Court on May 7, 2021. With respect to exhibits, the exhibit list shall clearly indicate whether each exhibit is stipulated to be authentic and/or admissible into evidence or whether there is an objection to the introduction of the exhibit.
- e. Joint Pretrial Order: The Joint Pretrial Order shall be submitted by May 11, 2021.
- f. Final Pretrial Conference: The Final Pretrial Conference is set for May 25, 2021 at 10:00 a.m.
- g. Trial: Trial of the Second Trial Case shall begin on June 7, 2021 at 9:30 a.m. The trial is expected to last two (2) to three (3) weeks.

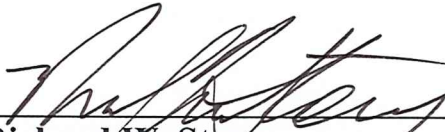
4. Third and Fourth Trial Cases

- a. Trial: The third trial setting shall be a consolidated trial. The court will set a time for the parties to be heard on the makeup of the consolidation. The trial will begin on September 13, 2021. The

trial is expected to last three (3) to four (4) weeks.

- b. All remaining deadlines for the third trial setting will be established by subsequent Order of the Court.

**SO ORDERED**, this 6<sup>th</sup> day of January, 2021.

  
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**Richard W. Story**  
**United States District Judge**