

**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. 28

(Order to Show Cause for Non-Responsive Plaintiffs)


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. When the Court inquired as to the current status of the cases on Exhibit A, it was informed that on September 1, 2022, Plaintiffs' Leadership contacted all plaintiffs' counsel for cases on Exhibit A to ascertain the intent of plaintiffs because no release had been delivered in acceptance of the settlement offer. Plaintiffs' Leadership has informed the Court that despite diligent

effort on the part of counsel, the clients listed on Exhibit A could not be located. The Court, at its request, has also been informed that Plaintiffs' Leadership provided further notice to each firm on Exhibit A on October 13, 2022, requesting that counsel for each plaintiff locate their client and deliver a release for those previously unlocated clients on or before October 28, 2022. As of the date of this Order, Plaintiffs' Leadership reports to the Court that there remain 38 cases on Exhibit A where plaintiffs' counsel reports that, to date, the client cannot be located.

Based on the foregoing and in an effort to manage this docket, IT IS HEREBY ORDERED that all cases on Exhibit A attached hereto must show good cause why their case should not be dismissed for failure to prosecute on or before November 18, 2022, by either: (1) filing a statement explaining why the case should proceed on the individual case docket with a copy delivered to Plaintiffs' Leadership via email to physiomesh@bbga.com; or (2) delivering a completed release using the Archer release database established by Plaintiffs' Leadership. If no action is taken by counsel for those plaintiffs on Exhibit A, or if good cause is not shown, the Court will consider dismissing cases where the plaintiff cannot be located based on the failure to prosecute the case

This Order shall be entered on the docket in each individual case shown on Exhibit A.

SO ORDERED, this 3rd day of November, 2022.



RICHARD W. STORY
United States District Judge

Exhibit A

Civil Action #	Plaintiff First Name	Plaintiff Last Name	Plaintiff Law Firm
1:18cv02468-RWS	Paul	Copley II	Andrus Wagstaff, P.C.
1:18cv02408-RWS	Kathryn	McCracken	Andrus Wagstaff, P.C.
1:18cv02438-RWS	June	Newman	Andrus Wagstaff, P.C.
1:19cv02598-RWS	James	Carter	Bailey & Glasser, LLP
1:18cv04254-RWS	Gerald	Hartman	Bailey & Glasser, LLP
1:18cv03668-RWS	Keith	Hasbargen	Bailey & Glasser, LLP
1:18cv02581-RWS	James	O'Neill	Bailey & Glasser, LLP
	Laurie Brown, Ind. and as Personal Rep of the Estate of David J.	Brown	Carey Danis & Lowe
1:19cv04787-RWS	David	Montgomery	Carey Danis & Lowe
1:19cv03551-RWS	Daniel	Walker	Carey Danis & Lowe
1:19cv02940-RWS	Sharon	Smith	Childers, Schlueter & Smith
1:19cv00572-RWS	Corina	McMurray	Cowper Law LLP
1:19cv03745-RWS	Virginia	Shipp	Crumley Roberts, LLP
1:17cv03962-RWS	Charles	Stanley	Dalimonte Rueb LLP
1:20cv04644-RWS	George	Brown	Fleming, Nolen & Jez, L.L.P.
1:21cv01424-RWS	Roland	Poitevien	Fleming, Nolen & Jez, L.L.P.
1:18cv01774-RWS	Lois	Philpot	Gori Julian
1:20cv03823-RWS	Eleanor	Francis	HENINGER GARRISON DAVIS
1:18cv02145-RWS	Susie	Reid	Johnson Law Group - TX
1:19cv05067-RWS	Kristina	Kerwer	Krause & Kinsman
1:20cv02199-RWS	Kendria	Lanney	Krause & Kinsman
1:20cv00986-RWS	Wilahemenia	Martin	Krause & Kinsman
1:21cv00635-RWS	Sarah	Miller	Krause & Kinsman
1:20cv02300-RWS	John	Omalley	Krause & Kinsman
			Levin Papantonio Thomas Mitchell
1:18cv05916-RWS	Sheila	Jones	Rafferty & Proctor PA
1:18cv03568-RWS	Beverly	Epps	Marc J. Bern & Partners LLP
1:18cv03452-RWS	Gina	Lloyd	Marc J. Bern & Partners LLP
1:21cv01923-RWS	Sonja	Calhoun	McDonald Worley, P.C.
1:19cv00663-RWS	Janice	Blish	Motley Rice LLC
1:20cv05187-RWS	Mariah	Gibson	Motley Rice LLC
1:21cv01956-RWS	Lisa	Kile	Motley Rice LLC
1:18cv05947-RWS	Julian	Alfonso	Napoli Shkolnik, PLLC
1:21cv00732-RWS	Charles	Atwood	Pogust Millrood, LLC
1:17cv02229-RWS	George	Lind	Pogust Millrood, LLC
1:19cv03416-RWS	Araceli	Ruiz	Provost Umphrey Law Firm LLP
1:18cv02225-RWS	Guillermo	Leon	Simmons Hanly Conroy, LLC
1:17cv05093-RWS	Bobbie	Marr	Simmons Hanly Conroy, LLC
1:18cv01353-RWS	Emma	Cathcart	Zonies Law LLC