



**NIGH GOLDENBERG
RASO & VAUGHN**

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

MDL No. 3081

**CASE MANAGEMENT
ORDER NO. 5**

(Appointing Judge Marina Corodemus
(Ret.) as Common-Benefit Special
Master)

On October 26, 2023, the Court entered Case Management Order No. 4 relating to common benefit fee and expense matters (“CMO 4”). Doc. 88. CMO 4 contemplates the appointment of a Common-Benefit Special Master to enforce the rules, policies, procedures, and guidelines relating to common benefit issues. Plaintiffs’ Co-Lead Counsel and Plaintiffs’ Leadership Counsel (“PLC”) have submitted a proposed order regarding the appointment of a Special Master. Doc. 76. Consistent with that submission, and pursuant to Federal Rule of Civil Procedure 53 and the Court’s inherent authority to manage this MDL,

IT IS ORDERED:

1. Judge Marina Corodemus (Ret.) is appointed Special Master in this MDL:

Hon. Marina Corodemus (Ret.)
Corodemus & Corodemus LLC
33 Wood Avenue South, Suite 600
Iselin, NJ 08830

1 2. The Special Master shall fully perform the duties set forth below and
2 described in CMO 4 relating to the administration of common benefit matters:

- 3 a. Provide legal and procedural analysis of time, fees, expenses,
4 assessments, and disbursements of common benefit funds;
- 5 b. Advise Plaintiffs’ Co-Lead Counsel and PLC as to matters relating to
6 common benefit time, fees, expenses, disbursements, and
7 assessments;
- 8 c. Assist Plaintiffs’ Co-Lead Counsel in submitting written quarterly
9 reports regarding common-benefit time and expenses;
- 10 d. Resolve any disputes regarding the submission and disbursement of
11 common-benefit time and expenses;
- 12 e. Maintain Participation Agreements as provided by Participating
13 Counsel throughout the course of this litigation; and
- 14 f. Engage in *ex parte* communications with the Court, Plaintiffs’
15 Co-Lead Counsel, and the PLC, as necessary, to fully and fairly
16 implement this Order.
17

18 3. To the extent the Special Master determines as part of her review of common
19 benefit time and expense submissions that a time or expense submission should not be
20 considered for potential reimbursement, she will review that decision with Plaintiffs’
21 Co-Lead Counsel. If the matter cannot be resolved through that process, it should be raised
22 with the Court for formal resolution.
23

24 4. No party shall be bound by the Special Master’s recommendations absent a
25 Court order. The Court shall retain sole authority to issue final rulings on matters formally
26 submitted for adjudication. Any lawyer may appeal the rejection of time or expense
27 submissions to the Court within 15 days of notice of the rejection. If no appeal is made
28 within 15 days, the rejection stands.

