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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. 22
(Sixth Case Management Conference)
(Applies to All Actions)

The Court held a sixth Case Management Conference with the parties on May 10, 2024. This order reflects matters discussed and decided during the conference.

1. The Court will hold a seventh Case Management Conference on **May 24, 2024, at 10:00 a.m.** Arizona time. The conference will be held via Zoom. By the close of business on **May 22, 2024**, the parties shall file a joint memorandum providing an update on the topics addressed in the remainder of this order.

2. The parties have agreed on substantial completion deadlines for the following non-custodial sources: Master Control and Master Control Archive, June 17, 2024; EasyTrack and TrackWise, June 17, 2024; SharePoint and Shared Drives, July 1, 2024; Veeva Vault Clinical, July 1, 2024; and Second Priority Sources, August 30, 2024.¹ The parties have not yet reached agreement on a substantial completion deadline for documents from DocuShare. *See* Doc. 693 at 2. Defendants shall provide an update at the

¹ Documents from WorkDay were produced on April 23, 2024.

1 next case management conference on the status of this issue and the information they are
2 obtaining from DocuShare.

3 3. The parties have agreed to discuss a possible stipulation on successor
4 liability. The goal would be to eliminate or minimize the need for discovery on this issue.
5 The parties believe that 30 days will be required to address this issue thoroughly. As a
6 result, the parties should be prepared to discuss this issue at the next case management
7 conference held after the May 24 conference.

8 4. Defendants have raised proportionality concerns about the volume of
9 documents being returned by the parties' search terms. *Id.* at 7-10. Defendants have
10 produced some background information to Plaintiffs on this issue, and the parties have
11 agreed to confer about the scope and cost of discovery. The parties shall provide an update
12 on this issue, and set forth their respective positions, in the joint memorandum to be filed
13 on May 22, 2024.

14 5. Plaintiffs in the following five cases have not produced Plaintiff Profile
15 Forms (PPFs): Diana Wright, 2:24-cv-00438; Patricia Bennett, 2:24-cv-00660; Amber
16 Garza, 2:24-cv-00700; Janice Graham, 2:24-cv-00696; and Susan Palazzo (deceased),
17 2:24-cv-00701. *Id.* at 12-13. These cases will be excluded from the Initial Plaintiff Pool
18 to be used for selection of bellwether cases. The parties shall provide an update on the
19 status of these five cases at the May 24 conference.

20 6. Defendants assert that all medical records or documents required with PPFs
21 have not been produced by Plaintiffs in the following cases: Vera Hawkins, 2:23-cv-02020;
22 Rebecca Eckert, 2:24-cv-00139; Burgandy Shelby, 2:24-cv-00359; Latwon Whitby, 2:24-
23 cv-00482; Paisami Gay, 2:23-cv-1755; Paul Kessler, 2:23-cv-1696; and August Catanzaro,
24 2:24-cv-00292. *Id.* at 13-15. By **May 23, 2024**, Plaintiffs' counsel in these seven cases
25 shall either (a) produce the missing documents, (b) assert that document disclosures are
26 complete and explain why, or (c) include an explanation that the records have been
27 requested, when they were requested, and that they have not yet been produced.

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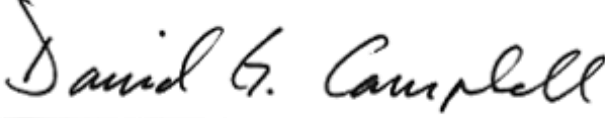
1 7. Defendants contend that PPFs and medical records produced by seven
2 Plaintiffs include inconsistencies or other problems. In each of these cases, Defendants
3 have sent deficiency letters identifying these inconsistencies or other problems. *Id.* at
4 15-16. Plaintiffs' counsel in each of these cases shall respond to the defense letters by
5 **May 23, 2024**: Paul Kessler, 2:23-cv-1696 (defense letter dated 1/4/2024); August
6 Catanzaro, 2:24-cv-00292 (defense letter dated 3/29/2024); Melissa Dragon, 2:24-cv-
7 00480 (defense letter dated 4/9/2024); Paisami Gay, 2:23-cv-1755 (defense letter dated
8 1/4/2024); Larissa Amos, 2:24-cv-00290 (defense letter dated 3/22/2024); Danielle
9 Nicosia, 2:23-cv-2122 (defense letter dated 1/23/2024; Jennifer Prescott, 2:23-cv-2729
10 (defense letter dated 2/21/2024).

11 8. Defendants sent deficiency letters to the multiple Plaintiffs by May 6, 2024,
12 and the PPFs are still in the 15-day cure period. *Id.* at 16-20. By **May 23, 2024**, Plaintiffs
13 in the following cases shall provide full and complete PPFs, including required medical
14 records: Christine DeStefano (deceased), 2:24-cv-00588; Marisella Galvan, 2:24-cv-
15 00578; Karen Holzman, 2:24-cv-00590; Lindy Latham, 2:24-cv-00586; Gary Stack, 2:24-
16 cv-00619; Giny Toranzo, 2:24-cv-00577; Donna Traylor, 2:24-cv-00621; Piper Wilson,
17 2:24-cv-00425; Tina Chapman, 2:24-cv-00651; George Peterson, 2:24-cv-00678; Gloria
18 Young, 2:24-cv-00679; Cynthia Mobley, 2:24-cv-00677; Monica Farmer-Garmon, 2:24-
19 cv-00620; Jeanette Cunningham, 2:24-cv-00664; Sabrina Taylor, 2:24-cv-00704; Marilyn
20 Woods, 2:24-cv-00615; Misty Terry, 2:24-cv-00686; Annalisa Morgan, 2:24-cv-00627;
21 Kathy Gallaher, 2:24-cv-00723; A. Fogle (minor), 2:24-cv-00720; Donna Holdridge, 2:24-
22 cv-00719; Rebecca Myers, 2:24-cv-00718; Linda Miller, 2:24-cv-00724; Shirley Verdugo,
23 2:24-cv-00721; Linda Johnson, 2:24-cv-00687; Angela Holcomb (deceased), 2:24-cv-
24 00707; Anetria Perry, 2:24-cv-00722; Vicky Hall, 2:24-cv-00716, and Angel LaPlante,
25 2:24-cv-00418.

26 9. Defendants contend that some Plaintiffs have failed to respond to the portion
27 of the PPFs requiring information about any port body claim they assert in this case. *Id.*
28 at 20. By **May 23, 2024**, any Plaintiff who has not completed the port body claim portion

1 of the PPF, either by failing to provide a supplementation of an earlier PPF or by leaving
2 the port body portion of the PPF blank, shall provide to defense counsel the port body claim
3 information required by the PPF.

4 Dated this 13th day of May, 2024.

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7 David G. Campbell
8 Senior United States District Judge
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