



NIGH GOLDENBERG
RASO & VAUGHN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

MDL No. 3081

**SECOND AMENDED CASE
MANAGEMENT ORDER NO. 1**

(Applies to All Actions)

In Amended Case Management Order No. 1, issued August, 20, 2024, the Court appointed Plaintiffs’ leadership for a one-year term beginning September 19, 2025. Doc. 1130. The Court directed Plaintiffs’ Co-Lead Counsel to file a memorandum notifying the Court of the need to make further appointments and making recommendations regarding those appointments thirty days before the expiration of the one-year term. *Id.* at 8. Plaintiffs’ Co-Lead Counsel have filed the memorandum. Doc. 4743.

The Court has reviewed the memorandum and issues this Second Amended Case Management Order No. 1 for the appointment of individuals to Plaintiffs’ leadership in this MDL for a term of one year, from September 19, 2025 to September 18, 2026.

I. Plaintiffs’ Leadership Counsel Appointments.

The Court, having considered the applications submitted and other relevant information, appoints the following plaintiffs’ counsel to leadership positions, as indicated, and to be known as “Plaintiffs’ Leadership Counsel”:

Plaintiffs' Co-Lead Counsel	
Alex Barlow	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731
Rebecca Phillips	Lanier Law Firm 10940 W. Sam Houston Pkwy. N., Ste. 100 Houston, TX 77064
Michael Sacchet	Ciresi Conlin, LLP 225 S. 6th St., Ste. 4600 Minneapolis, MN 55402

Plaintiffs' Executive Committee ("PEC")/Liaison Counsel	
Steve German (Liaison Counsel/Local Counsel in Arizona)	Scout Law Group 11201 N. Tatum Blvd., Ste. 110 Phoenix, AZ 85028
Michael Galpern (NJ State Court Liaison)	Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins PC 1000 Haddonfield Berlin Rd., Ste. 203 Voorhees, NJ 08043
Stuart Ratzan	Ratzan Weissman & Boldt 2850 Tigertail Ave., Ste. 400 Coconut Grove, FL 33133
Danielle Rogers	Langdon & Emison 911 Main St. Lexington, MO 64067
Larry Taylor	The Cochran Firm – Dallas, PLLC 1825 Market Center Blvd., Ste. 500 Dallas, TX 75207
Brandon Henry	Wagstaff & Cartmell, LLP 4740 Grand Ave., Ste. 300 Kansas City, MO 64112
Tom Pirtle	Laminack, Pirtle & Martines 5020 Montrose Blvd. Houston, TX 77006
Shanon Carson	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103

1 2 3 4 5	Roman Balaban	Balaban Law LLC 8055 East Tufts Ave., Ste. 325 Denver, CO 80237
6	Gabriel Assaad	McDonald Worley 1770 St. James Pl., Ste. 100 Houston, TX 77056

Plaintiffs' Steering Committee ("PSC")

7	Bradley Leger	Leger Ketchum & Cohoon, PLLC 10077 Grogan's Mill Rd., Ste. 325 The Woodlands, TX 77380
8 9	Chelsea Dickerson	Dickerson Oxtan, LLC 1100 Main St., Ste. 2550 Kansas City, MO 64105
10 11	Jennifer Elwell	Berger Montague 1818 Market St., Ste. 3600 Philadelphia, PA 19103
12 13	Brian Tadtman	Woodworth Law Firm, LLC 7200 W. 132 nd St., Ste. 320 Overland Park, KS 66213
14 15	Aaron Dickey	Dickey Anderson, LLC 1104 Moorlands Dr. St. Louis, MO 63117
16 17	Robert Brown	Robert Brown Law 3225 Aviation Ave., Ste. 101 Miami, FL 33133
18 19	Jakob Norman	Trial Lawyers for Justice, P.C. 1700 Koch St., Ste. 5 Bozeman, MT 59715
20 21	Ryan Cavanaugh	Constant Legal Group, LLP 737 Bolivar Rd., Ste. 440 Cleveland, OH 44115
22 23	Doug Monsour	Monsour Law Firm 404 N Green St Longview, TX 75601
24 25 26	Jon Conlin	Cory Watson, P.C. 2131 Magnolia Avenue South Birmingham, AL 35205

1 2 3 4 5 6 7 8 9 10 11 12 13 14	Mark O'Connor	Beus O'Connor McGroder PLLC 701 N. 44th St. Phoenix, AZ 85008
	Megan Odom	Ciresi Conlin, LLP 225 S. 6th St., Ste. 4600 Minneapolis, MN 55402
	Howard Nations	The Nations Law Firm 9703 Richmond, Suite 200 Houston, TX 77042
	Cameron Cano	Scott & Scott 7718 Wood Hollow Dr., Ste. 105 Austin, TX 78731
	Evan Buxner	The Gori Law Firm 5770 Mexico Rd., Ste. A St. Louis, MO 63376
	Sara Craig	Peiffer Wolf 935 Gravier St., Ste. 1600 New Orleans, LA 70112

15 II. Responsibilities.

16 A. Procedural Matters.

17 1. As noted in this Court's previous Order Setting Initial Case Management
18 Conference dated August 22, 2023 (Doc. 7), the Clerk of this Court will maintain a Master
19 Docket case file under the style "*In Re: Bard Implanted Port Catheter Products Liability*
20 *Litigation*" and the identification "MDL No. 3081." Plaintiffs' Lead/Liaison Counsel will
21 be (a) the only attorneys permitted to file in the Master Docket as to all actions, and (b) the
22 only attorneys receiving Notices of Electronic Filing for pleadings and orders filed in the
23 Master Docket for all actions.

- 24 2. With regard to the Master Docket, Plaintiffs' Lead/Liaison Counsel shall:
- 25 a. Serve as the recipients for all Court orders.
 - 26 b. Coordinate service and filings for all plaintiffs whether presently
27 included or subsequently added to this MDL.

- 1 c. Maintain and distribute to co-counsel and to Defendants' Counsel an
- 2 up-to-date service list.
- 3 d. Maintain responsibility for service upon all other attorneys and parties
- 4 as to filings made in the Master Docket. Specifically, Lead/Liaison
- 5 Counsel shall receive and distribute, to all other Plaintiffs' counsel,
- 6 pleadings, orders, and motions by email, overnight courier service, or
- 7 telecopier, within two days after receipt, unless such service has been
- 8 waived, in writing, by a receiving counsel.
- 9 e. Coordinate discovery and litigation with similar cases outside of this
- 10 Court's jurisdiction.

11 3. Lead/Liaison Counsel is only responsible for service with regard to filings in
12 the Master Docket. With regard to case-specific filings, all attorneys of record in the
13 relevant member action will receive a Notice of Electronic Filing from the Court.

14 4. New counsel for later-filed or later-transferred cases that become part of this
15 MDL shall be responsible for checking the Master Docket for all orders previously entered
16 that may have relevance to such new cases.

17 **B. Responsibilities Specific to Lead/Liaison Counsel.**

18 In addition to the responsibilities identified above, Plaintiffs' Lead/Liaison Counsel
19 shall:

- 20 1. Coordinate the establishment of a document depository, real or virtual, to be
- 21 available to all participating plaintiffs' counsel;
- 22 2. Maintain and make available to all participating plaintiffs' counsel of record,
- 23 at reasonable hours, a complete file of all documents served by or upon each party (except
- 24 documents as may be available at a document depository);
- 25 3. Prepare agendas for court conferences and periodically report regarding the
- 26 status of the case; and
- 27 4. Carry out such other duties as the Court may order.

28

1 **C. Responsibilities Applicable to all Plaintiffs' Leadership Counsel.**

2 Plaintiffs Leadership Counsel shall have the following responsibilities:

3 1. Discovery

- 4 a. Initiate, coordinate, and conduct all pretrial discovery on behalf of
5 plaintiffs in all actions consolidated in this MDL.
- 6 b. Develop and propose schedules for the commencement, execution,
7 and completion of all discovery on behalf of all plaintiffs.
- 8 c. Cause to be issued in the name of all plaintiffs the necessary discovery
9 requests, motions, and subpoenas pertaining to any witnesses and
10 documents needed to properly prepare for the trial of relevant issues
11 found in the pleadings of this litigation.
- 12 d. Conduct all discovery in a coordinated and consolidated manner on
13 behalf and for the benefit of all plaintiffs.

14 2. Hearings and Meetings

- 15 a. Call meetings of counsel for plaintiffs for any appropriate purpose,
16 including coordinating responses to questions of other parties or of the
17 Court. Initiate proposals, suggestions, schedules or joint briefs, and
18 any other appropriate matters pertaining to pretrial proceedings.
- 19 b. Examine witnesses and introduce evidence on behalf of plaintiffs at
20 hearings.
- 21 c. Act as spokespersons for all plaintiffs at pretrial proceedings and in
22 response to any inquiries by the Court, subject to the right of any
23 plaintiff's counsel to present non-repetitive individual or different
24 positions.

25 3. Miscellaneous

- 26 a. Submit and argue all verbal and written motions presented to the
27 Court on behalf of Plaintiff's Leadership Counsel as well as oppose,
28 when necessary, any motion submitted by defendants or other parties

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

which involve matters within the sphere of the responsibilities of Plaintiffs' Leadership Counsel.

- b. Negotiate and enter into stipulations with defendants regarding this litigation. All stipulations entered into by Plaintiffs' Leadership Counsel, except for strictly administrative details, must be submitted for Court approval and will not be binding until ratified by the Court. Any MDL plaintiffs' attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection within five (5) days after he/she knows or should have reasonably become of aware of the stipulation. Failure to object within this time shall be deemed a waiver and the stipulation will be binding on that party.
- c. Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.
- d. Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions for examinations by all MDL plaintiffs or their attorneys.
- e. Perform any task necessary and proper for Plaintiffs' Leadership Counsel to accomplish its responsibilities as defined by the Court's orders, including organizing subcommittees comprised of plaintiffs' lawyers not on Plaintiffs' Leadership Counsel.
- f. Work with Lead/Liaison Counsel to coordinate the responsibilities of Plaintiffs' Leadership Counsel meetings, keep minutes or transcripts of these meetings, appear at periodic Court-noticed status conferences, perform other necessary administrative or logistic

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

functions of Plaintiffs' Leadership Counsel, and carry out any duty as ordered by the Court.

g. Perform other such functions that may be expressly authorized by further Court Orders.

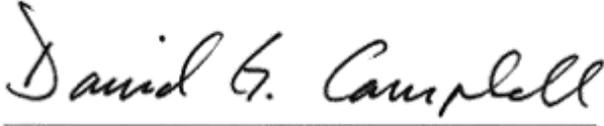
D. Reimbursement of Costs Expended.

Plaintiffs' Leadership Counsel shall be entitled to seek reimbursement for costs expended at the time and in a manner approved by the Court. Reimbursements are governed by a further case management order proposed by Plaintiffs' Leadership Counsel and entered by the Court.

III. Term of Appointments.

Appointments to leadership positions in this order shall last for a term of **one year**, from **September 19, 2025** to **September 18, 2026**. **Thirty days** before the expiration of this one-year term, Lead/Liaison Counsel shall file a memorandum notifying the Court of the need to make further appointments and making recommendations regarding those appointments.

Dated this 27th day of August, 2025.



David G. Campbell
Senior United States District Judge