



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: ANGIODYNAMICS, INC., AND
NAVILYST MEDICAL, INC., PORT
CATHETER PRODUCTS LIABILITY
LITIGATION

Case No.: 3:24-md-03125-JO-VET

**CASE MANAGEMENT ORDER NO. 11
GOVERNING DEPOSITION
PROTOCOL**

[ECF No. 760]

Case Management Order No. 6 provides for the parties to take certain depositions related to plaintiffs in the initial pool of potential bellwether cases and requires the parties to propose a protocol for conducting said depositions. ECF No. 442 at 3–4. Pursuant to Case Management Order No. 6, the parties filed a Joint Motion for Proposed Case Management Order No. 11 Governing Deposition Protocol (“Joint Motion”) on July 21, 2026. ECF No. 760. Therein, the parties stipulate to a case management order governing depositions to be taken in this case. *Id.* Having reviewed and considered the parties’ submission, and good cause appearing, the Court **GRANTS** the Joint Motion, **ISSUES** this Case Management Order No. 11 (“Order”), and makes enforceable the following terms as submitted and agreed to by the parties, and modified as necessary by the Court:

1 **1. Stipulations.** So long as it does not violate any order entered in this litigation,
2 or any Order or Practice of Magistrate Judge Valerie E. Torres, the parties may agree to
3 alter, amend, or modify any practice outlined in this Order relating to the noticing or
4 conducting of a particular deposition.

5 **2. Scheduling Depositions.** The parties shall meet and confer in good faith to
6 resolve all issues regarding the scheduling and taking of depositions. Absent extraordinary
7 circumstances, before noticing any deposition, counsel shall confer with opposing counsel
8 to schedule depositions at mutually convenient times and places for witnesses and
9 attorneys.

10 **3. Notice.**

11 a. Each deposition notice in the MDL proceeding must comply with the
12 notice provisions of Federal Rule of Civil Procedure 30(b). This Order shall be attached to
13 any subpoena or deposition notice of a non-party witness.

14 b. Unless otherwise provided in this Case Management Order or agreed to by
15 the parties, the noticing party shall be responsible for retaining and paying for a court
16 reporter and videographer and any venue-associated fees.

17 c. Given that discovery is being exchanged among parties pursuant to other
18 Case Management Orders and Defendant and Plaintiff Fact Sheets, party depositions shall
19 not be served with requests for documents. This shall apply to current employees of any
20 Defendant, with the exception of any documents he/she may have in their personal
21 possession.

22 d. Depositions of current employees of a Defendant shall be coordinated
23 through Defendants and set pursuant to a deposition notice and not a subpoena. Depositions
24 of former employees of a Defendant shall also be coordinated through Defendants and not
25 set, at least initially, pursuant to a subpoena. If a Defendant is unable to coordinate a former
26 employee's deposition or does not have the former employee's contact information, it shall
27 promptly notify the party seeking to depose the former employee and, in that case, the
28 noticing party shall coordinate the deposition and serve a subpoena, if necessary.

1 **4. Deposition Location and Remote Procedures.**

2 a. Depositions may be taken in person or remotely. If a noticing party
3 requests to take a deposition remotely and counsel defending the deposition intends to
4 attend in person, said counsel must disclose that he or she intends to attend in person prior
5 to the deposition to allow the noticing party sufficient time to convert the deposition to an
6 in-person deposition

7 b. The parties will endeavor to hold in-person depositions of parties within
8 45 miles of a major airport. If a witness is unable to travel, the parties will confer to set the
9 deposition at a mutually agreeable location.

10 c. For in-person depositions of party witnesses, including current employees
11 of any Defendant, the defending party will be responsible for arranging the deposition
12 venue and bearing the costs associated with use of the deposition space at the selected
13 venue.¹ The venue must be disclosed to other parties no later than ten (10) calendar days
14 before the deposition.

15 d. The vendor providing stenographic and/or videotape services for the
16 deposition will also make available a streaming video link for any remote counsel
17 representing a party in this litigation to observe the deposition remotely by internet. Any
18 such counsel must sign on to the deposition through the video link using her/his full name
19 and identifying her/his law firm in parentheses after her/his name (i.e., Jane Doe (Doe Law
20 Firm)).

21 e. No attendees, remote or in person, shall capture video or audio of the
22 deposition or take pictures or screen captures of the deposition, other than the videographer
23 and/or court-reporting service.

24 f. The link for the deposition for any party who may give testimony protected
25 by a confidentiality order should be secure, requiring a password distributed only to
26 _____

27
28 ¹ As indicated in Paragraph 3.b, the noticing party is, however, responsible for retaining
and paying court reporter and videographer fees of party witness depositions.

1 counsel for a party in this litigation and employees at their firm. Additionally, for any
2 remote deposition or video link of a deposition, the recording feature shall be disabled,
3 except to the extent needed by the videographer.

4 g. While a deponent is being examined about any information subject to a
5 confidentiality order in this litigation, persons to whom disclosure is not authorized shall
6 be excluded.

7 **5. Number of Depositions.**

8 a. Pursuant to Case Management Order No. 6, preliminary fact discovery for
9 the Initial Pool shall include depositions of Plaintiff, their spouse (if any), any physician
10 whose treatment was/is related to Plaintiff's use of the device and/or alleged injuries
11 therefrom, and Plaintiff's primary care providers from two years prior to use of the device
12 until the present. *See* ECF No. 442 at 3. Should Defendants wish to pursue additional
13 depositions during preliminary discovery of the Initial Pool, they shall follow the procedure
14 outlined in Case Management Order No. 6. *See id.* at 3–4.

15 b. During preliminary fact discovery for the Initial Pool, case-specific
16 depositions of current and former employees of Defendants shall be limited to two
17 witnesses, including but not limited to sales representatives and regional managers. This
18 limitation does not apply to depositions noticed pursuant to Federal Rule of Civil
19 Procedure 30(b)(6). If Plaintiffs wish to pursue additional fact witnesses during this stage,
20 they shall notify Defendants' counsel in writing of the specific discovery sought. If
21 Defendants object, the Parties shall meet and confer to resolve the objection **within ten**
22 **(10) business days of Defendants receiving the written notice.** Unresolved objections
23 shall be addressed pursuant to the discovery dispute procedures in Section IV of Case
24 Management Order No. 6.

25 c. To avoid cumulative and duplicative depositions and to minimize the
26 inconvenience of deponents, the Parties shall work together to identify case-specific
27 witnesses with knowledge pertinent to multiple Plaintiffs, and to take those witnesses'
28 depositions only once.

1 6. **Depositions Pursuant to Federal Rule of Civil Procedure 30(b)(6).** If a
2 witness is sought for deposition in his/her individual capacity and may also be designated
3 as a Rule 30(b)(6) representative, or if a witness is designated as a Rule 30(b)(6)
4 representative and may also be sought for deposition in his/her individual capacity, the
5 Parties will use their best efforts to coordinate to avoid multiple depositions of the same
6 witness. The Parties shall meet and confer in good faith regarding appropriate and
7 reasonable modifications to time limits for depositions of any witnesses who are deposed
8 in both their individual and representative capacities.

9 7. **Depositions of Treating Healthcare Providers.**

10 a. In connection with a scheduled deposition of a treating healthcare provider,
11 pursuant to this Order, any party may transmit to the provider, or their office or
12 administrator, the deposition notice, subpoena, and medical records of a Plaintiff that
13 counsel reasonably anticipates may be used during the deposition. Counsel shall provide a
14 copy of all documents provided or shown to the provider to opposing parties at least 48
15 hours prior to the deposition.

16 b. For any healthcare provider deposed pursuant to this Order, Defendants
17 and their counsel may communicate directly with the offices or staff of such provider for
18 the limited purpose of coordinating and scheduling the deposition of the provider. Such
19 communications shall not constitute unauthorized *ex parte* communications regarding
20 Plaintiff's medical care or confidential information.

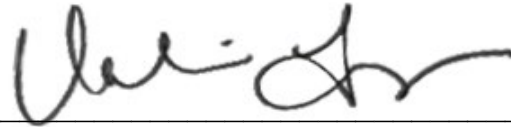
21 c. Unless the parties agree otherwise, counsel for Defendants shall take lead
22 on questioning in the deposition of any treating healthcare provider of a Plaintiff selected
23 by Defendants for the Initial Pool of bellwethers, and counsel for Plaintiffs shall take lead
24 on questioning of any treating healthcare provider of a Plaintiff selected by Plaintiffs for
25 the Initial Pool. The party taking lead shall be responsible for costs associated with the
26 deposition, including any fee of the provider, court reporter and videographer fees, and
27 venue fees, if applicable.
28

1 d. The parties agree that each side will have a reasonable opportunity to
2 question a deponent treating physician. The parties agree to work together to ensure each
3 side receives adequate time.

4 8. **Time.** The time limitations set forth in Federal Rule of Civil Procedure
5 30(d)(1) shall apply unless the parties agree to a different time limitation or the Court orders
6 a different limitation.

7 **IT IS SO ORDERED.**

8 Dated: July 23, 2026



Hon. Valerie E. Torres
United States Magistrate Judge