



**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. 9 – PROCESS FOR PLAINTIFFS
WHO DO NOT COMPLETE OR
SUPPLEMENT THEIR PLAINTIFF
PROFILE FORM**

[ECF No. 605]

Before the Court is the Parties' Joint Motion for Proposed Case Management Order No. 9 – Process for Plaintiffs Who Do Not Complete or Supplement their Plaintiff Profile Form ("Joint Motion"). ECF No. 605. After consulting with counsel for the parties, and good case appearing, the Court **GRANTS IN PART** the Joint Motion.

Case Management Order No. 8 (ECF No. 573) sets forth the process for addressing discovery disputes relating to Plaintiff Profile Forms ("PPF"). This Order supplements Case Management Order No. 8 by adding a process of ordering Plaintiffs to show cause if they fail to cure deficiencies within the time specified in Case Management Order No. 8. To the extent Case Management Order No. 8 provides anything to the contrary regarding the process for Plaintiffs who do not complete or otherwise supplement their PPF specifically, this Order controls.

1 As noted in Case Management Order No. 8, Defendants shall have 30 days from
2 service of a PPF to identify any deficiencies in the PPF. Plaintiff will have 21 days from
3 Defendants' notice of deficiencies to supplement and/or amend the PPF or otherwise cure
4 the deficiency. If the deficiency is not resolved within 21 days, Defendants will notify
5 Plaintiffs' Co-Lead Counsel of the issue.

6 If a PPF remains deficient and/or delinquent after seven days of notifying Plaintiffs'
7 Co-Lead Counsel as specified in Case Management Order No. 8, the parties **SHALL** file
8 a joint status report identifying the deficient Plaintiff(s). Judge Ohta will enter an order to
9 show cause ("OSC") on the Plaintiff's individual case docket as to why their individual
10 case should not be dismissed. The Plaintiff **SHALL** respond to the OSC within 21 days.
11 The response **MUST** be supported by a declaration from Plaintiff's counsel confirming
12 that the Plaintiff produced to Defendants a signed PPF, with all required medical
13 authorizations, that cures any other deficiencies raised during the meet and confer process
14 ("Required Declaration"). *See* ECF No. 442 (requiring PPF with certain executed medical
15 authorizations).

16 If Plaintiff fails to file the Required Declaration within 21 days, Defendants **SHALL**
17 notify the Court that the 21-day period has expired without the required response, and the
18 Court will dismiss the Plaintiff's case with prejudice. Alternatively, if Plaintiff files the
19 Required Declaration within 21 days, the Court will discharge the OSC without further
20 action. If any deficiencies remain in the PPF produced to Defendants in response to the
21 OSC, the parties shall raise the issue with Judge Torres within 15 days.

22 Additionally, the 60-day deadline to raise a discovery dispute relating to PPFs, set
23 forth in Case Management Order No. 8 (ECF No. 573), may be tolled during the period in
24 which a Plaintiff agrees to supplement or otherwise cure a deficiency in the PPF.

25 **IT IS SO ORDERED.**

26 Dated: February 25, 2026



Hon. Valerie E. Torres
United States Magistrate Judge