

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

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

MDL No. 3081

May Lattanzio,

No. CV-24-00680-PHX-DGC

Individual Plaintiff,

vs.

**FIRST AMENDED CASE
MANAGEMENT ORDER NO. 49
(Order Setting Final Pretrial Conference
for Lattanzio Bellwether Trial)**

Becton Dickinson and Company, et al.,
Defendants.

The Court issues this First Amended Case Management Order No. 49 to amend certain deadlines in response to the parties' joint report and discussion at the August 6, 2026, initial pretrial conference. See Doc. 9833.

A jury trial in the Lattanzio bellwether case is set to begin on October 13, 2026. See Doc. 6388. An initial pretrial conference was held on **August 6, 2026, at 1:00 p.m. EDT / 10:00 a.m. MST** via videoconference. Pursuant to Rule 16(e) of the Federal Rules of Civil Procedure, a final pretrial conference shall be held in person on **September 15, 2026, at 1:00 p.m. EDT / 10:00 a.m. MST**.

IT IS ORDERED:

1. The attorneys who will be responsible for the trial of the case shall attend the

1 final pretrial conference.

2 2. The parties jointly shall prepare a Proposed Final Pretrial Order and shall
3 lodge it with the Court on **September 8, 2026**. Preparation and lodging of the Proposed
4 Final Pretrial Order in accordance with the requirements of this Order shall be deemed to
5 satisfy the disclosure requirements of Federal Rule of Civil Procedure 26(a)(3). The parties
6 shall submit a copy of the Proposed Final Pretrial Order to the Court in Word format by
7 email to steve_taronji@cit.uscourts.gov.

8 3. The Proposed Final Pretrial Order shall include the information prescribed in
9 the Joint Proposed Final Pretrial Order form found at www.azd.uscourts.gov under:
10 (1) Judges' Information, (2) Judge's Orders, Forms & Procedures, and (3) Campbell, David
11 G. Information shall not be set forth in the form of a question, but shall be presented in
12 concise narrative statements. Based on experience in the trial held in Cook v. Becton
13 Dickinson and Company, et. al, No. 2:23-cv-01975 ("Cook"), for IN RE: Bard Implanted
14 Port Catheter Products Liability Litigation, No. 2:23-md-03081, the parties' exhibit lists
15 should not exceed 750 exhibits per side and the proposed order should not include lengthy
16 written arguments.

17 4. The Court will not allow the parties to offer any exhibit, witness, or other
18 evidence that was not disclosed in accordance with the provisions of this Order and the
19 Federal Rules of Civil Procedure and listed in the Proposed Final Pretrial Order, except to
20 prevent manifest injustice. Objections to witnesses and documents should also be listed.

21 5. The parties shall exchange drafts of the Proposed Final Pretrial Order no later
22 than **August 25, 2026**. Plaintiffs shall have the burden of initiating communications
23 concerning the Proposed Final Pretrial Order.

24 6. The parties shall (a) number and mark exhibits in accordance with the
25 instructions found in Exhibit Marking Instructions at www.azd.uscourts.gov under Judges
26 and Courtrooms and Orders, Forms and Procedures (such numbers shall correspond to
27 exhibits numbers listed in the Proposed Final Pretrial Order); (b) meet in person and
28 exchange marked copies of all exhibits to be used at trial before the submission deadline

1 for the Proposed Final Pretrial Order (any exhibit not marked and exchanged by this
2 deadline shall be precluded at trial); and (c) eliminate any duplicate exhibits while meeting
3 to exchange exhibits.

4 7. The parties shall file and serve all motions in limine no later than **August 21,**
5 **2026.** Responses to motions in limine shall be filed on or before **September 3, 2026.** Each
6 motion in limine shall include proposed language for the order in limine being sought from
7 the Court, and the proposed language shall state with precision the evidence that is subject
8 to the proposed order and the limitation or exclusion placed on the evidence. The motions
9 and responses must be concise and shall not exceed three (3) pages in length. No replies
10 shall be filed. The motions should not be used to address matters that can simply be
11 objected to during trial or arguments rejected in the Rule 702 motions, nor should they
12 present issues that must be resolved by the Court during the trial when the arguments and
13 evidence of the parties will be clearer. Each side is limited to 10 motions in limine, with
14 each motion addressing a single issue. The parties shall address the issues raised in the
15 joint report (Doc. 9833) regarding demonstrative exhibits in the motions in limine.

16 8. The parties shall complete the following tasks by the time of the lodging of
17 the Proposed Final Pretrial Order:

18 (a) The parties shall file a stipulated description of the case to be read to
19 the jury.

20 (b) The parties shall jointly file a proposed set of voir dire questions. The
21 voir dire questions shall be drafted in a neutral manner. To the extent possible, the parties
22 shall stipulate to the proposed questions. If the parties have any disagreement about a
23 particular question, they shall state the reason for their objection below the question. The
24 parties shall also provide, for the purposes of voir dire, a joint master list of the names of
25 every witness who may be called at trial.

26 (c) The parties shall file proposed jury instructions in accordance with
27 “Guidelines for Jury Instructions in Civil Cases” found at www.azd.uscourts.gov under:
28 (1) Judges’ Info, (2) Judge’s Orders, Forms & Procedures, and (3) Campbell, David G.

1 (d) The parties shall jointly file a proposed verdict form, including any
2 proposed special verdict forms or juror interrogatories. If the parties cannot agree on a
3 verdict form, they shall file separate proposed forms and counsel shall be prepared to
4 discuss them at the final pretrial conference.

5 (e) By **August 7, 2026**, the parties shall jointly file a proposed juror
6 questionnaire, using the same format as the juror questionnaire for the Cook trial entered
7 on the docket of IN RE: Bard Implanted Port Catheter Products Liability Litigation, No.
8 2:23-md-03081 (Doc. 7163), and email a copy in Word format to
9 steve_taronji@cit.uscourts.gov.

10 (f) By **September 3, 2026**, the parties shall provide the email addresses
11 of the attorneys who should receive juror questionnaires to the Court by email to
12 steve_taronji@cit.uscourts.gov. A hearing on the questionnaires will be held via
13 videoconference on **September 28, 2026, at 1:00 p.m. EDT / 10:00 a.m. MST**. The
14 questionnaires will be distributed to the parties electronically, a week prior to the hearing.

15 9. By **September 18, 2026**, the parties shall submit all deposition designations
16 to the Court. Objections and responses will each be limited to 15 words per designation.

17 10. To facilitate the creation of an accurate record, the parties shall file a “Notice
18 to Court Reporter” **one week before trial** containing the following information that may
19 be used at trial:

- 20 (a) Proper names, including those of witnesses;
- 21 (b) Acronyms;
- 22 (c) Geographic locations;
- 23 (d) Technical (including medical) terms, names, or jargon;
- 24 (e) Case names and citations; and
- 25 (f) Pronunciation of unusual or difficult words or names.

26 11. Counsel shall review Judge Campbell’s statement of Trial Conduct and
27 Decorum before the final pretrial conference. A copy can be found on the Court's website
28 at www.azd.uscourts.gov under: (1) Judges’ Info, (2) Judges’ Orders, Forms & Procedures,

and (3) Campbell, David G.

12. Full and complete compliance with this Order shall be required by the Court.

Dated this 7th day of August, 2026.

/s/ Jennifer Choe-Groves
U.S. District Court Judge*

* Judge Jennifer Choe-Groves, of the United States Court of International Trade, sitting by designation.

	Prior Deadline	Current Deadline
Parties File Proposed Juror Questionnaire	August 7, 2026	August 7, 2026
Parties File Motions in Limine	August 13, 2026	August 21, 2026
Parties Exchange Drafts of Proposed Pretrial Order	August 14, 2026	August 25, 2026
Parties File Responses to Motions in Limine	August 27, 2026	September 3, 2026
Parties Submit Attorney Emails to Receive Juror Questionnaires	September 3, 2026	September 3, 2026
Parties Mark and Exchange Exhibits	August 14, 2026	September 8, 2026
Parties File Proposed Final Pretrial Order	August 28, 2026	September 8, 2026
Final Pretrial Conference (in person)	September 9, 2026	September 15, 2026, at 1:00 p.m. EDT / 10:00 a.m. MST
Parties File Deposition Designations	September 3, 2026	September 18, 2026
Hearing on Juror Questionnaire Responses (videoconference)	September 28, 2026, at 1:00 p.m. EDT / 10:00 a.m. MST	September 28, 2026, at 1:00 p.m. EDT / 10:00 a.m. MST
Parties File Notice to Court Reporter	October 6, 2026	October 6, 2026
Trial	October 13–30, 2026	October 13–30, 2026