

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: SORIN 3T : MDL DOCKET NO. 2816  
HEATER-COOLER SYSTEM : Civil Action No. 1:18-MD-2816<sup>1</sup>  
PRODUCTS LIABILITY :  
LITIGATION (NO. II) :  
: Hon. John E. Jones III  
:  
: THIS DOCUMENT RELATES TO:  
: **ALL CASES**  
:

**CASE MANAGEMENT ORDER NO. 1**

**February 8, 2018**

On February 1, 2018, the Judicial Panel on Multidistrict Litigation (“JPML”) transferred a number of civil actions to this court under MDL No. 2816. The civil actions are listed in Schedule A to that order. (Doc. 1). In consideration of that transfer order, it is hereby **ORDERED** as follows:

1. **APPLICABILITY OF ORDER:** This Order shall govern practice and procedure in:
  - a. All actions transferred to this court by the JPML pursuant to its order of February 1, 2018;
  - b. Any tag-along actions transferred to this court by the JPML; and
  - c. Any related actions subsequently filed in, transferred to, or removed to this court.

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<sup>1</sup> A previous version of this Order incorrectly captioned the case as Civil Action No. 1:18-MDL-286. Counsel and parties should take note that there is no “L” in the civil action number.

2. **CONSOLIDATION OF ACTIONS:** All actions referenced in the preceding paragraph are consolidated for pretrial purposes. This does not constitute a determination that the actions will be consolidated for trial and does not have the effect of closing any individual case.
3. **FILING AND CAPTIONING OF PAPERS:** The Clerk is maintaining a master file under the above-captioned heading on the court's Electronic Case Filing ("ECF") system. Filing of pleadings, motions, and papers shall be governed by the following rules:
  - a. All papers shall be electronically signed and filed. No printed copies need be forwarded to the court unless specifically requested by an order. All counsel **must** be able to file documents via ECF and receive documents from the court via email.
  - b. All papers shall be captioned in a manner substantially similar to this order and shall bear the identification "MDL DOCKET NO. 2816" and "Civil Action No. 1:18-MD-2816."
  - c. Any paper that relates to all actions shall contain the notation "**ALL CASES**" in the caption thereof.
  - d. **All documents shall be exclusively filed in the docket for the above-captioned matter, i.e. the master MDL docket.** No document shall be filed in the dockets for the individual actions without prior leave of court. Any paper that relates to fewer than all actions shall identify the individual action(s) to which it relates by the docket number assigned to the action(s) by the Clerk of this Court.
  - e. All papers to be filed in any action shall be filed with the Clerk of this Court and not with the transferor court.
4. **ATTORNEY ADMISSIONS:** Counsel who entered an appearance in a transferor court prior to the transfer of a case to this court need not enter a separate appearance before this court. Attorneys admitted to practice and in good standing in any United States District Court are admitted *pro hac vice* in this litigation. The requirements of Local Rule 83.9, which relates to association with local counsel, are waived with regard to all attorneys appearing in these actions.

**5. INITIAL CASE MANAGEMENT CONFERENCE AND**

**APPOINTMENT OF COUNSEL:** A schedule for an initial case management conference and a procedure for appointment of lead and liaison counsel shall follow by future order of court.

**6. PLEADINGS:** Each defendant is granted an extension of time for responding by motion or answer to the complaint(s) until a date to be set at the conference referenced in Paragraph 5. No motion shall be filed under Rule 11, 12, or 56 without leave of court and unless it includes a certificate that the movant has conferred with opposing counsel in a good-faith effort to resolve the matter without court action.

**7. STAY OF DISCOVERY:** All discovery in these actions is stayed until further order of this court. The time requirements within which to perform any act or file any papers under Rules 26-37 of the Federal Rules of Civil Procedure are tolled pending the initial conference referenced in Paragraph 5. Notwithstanding the preceding sentence, nothing herein contained shall (i) preclude a party from performing voluntary informal discovery regarding the identification and location of relevant documents and witnesses, (ii) preclude a party from stipulating to conduct a deposition that has already been scheduled, (iii) prevent a party from voluntarily responding to a previously issued discovery request, or (iv) authorize a party to suspend its response to a discovery request that the party received under Rule 33, 32, or 36 prior to the issuance of this order. Relief from the stay imposed by this paragraph may be obtained for good cause shown, such as the ill health of a proposed deponent.

**8. PRESERVATION OF EVIDENCE:** All parties shall preserve all documents and other records containing information potentially relevant to these actions. Physical evidence shall likewise be preserved. Relief from this directive may be obtained by filing a motion with the court.

**9. PREVIOUSLY ENTERED ORDERS:** All orders by transferor courts imposing dates for pleading or discovery are vacated. All other orders (including protective orders) previously entered by this court or by any transferor court shall remain in full force and effect unless expressly vacated by subsequent order of this court.

## **10. DIRECTIVES TO CLERK OF COURT:**

- a. The Clerk of Court is instructed to open a separate docket for each individual action affected by this order, to the extent that it has not already been done. All dockets for individual actions shall remain open for the duration of this litigation unless the court instructs otherwise.
- b. For any action transferred to this court by the JPML, the Clerk of Court shall docket the complaints, answers, outstanding motions, and accompanying briefs filed with the transferor court in the corresponding separate docket opened pursuant to Paragraph 10a.
- c. The Clerk of Court shall transmit a copy of this order to all counsel of record in the cases included in Schedule A of the JPML transfer order (Doc. 1). A copy of this order shall likewise be transmitted to counsel in any tag-along actions subsequently transferred to this court by the JPML or in any action subsequently filed with, transferred to, or removed to this court.

s/ John E. Jones III  
John E. Jones III  
U.S. District Judge