

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
PRODUCTS LIABILITY :
LITIGATION (NO. II) :
: Hon. John E. Jones III
:
: THIS DOCUMENT RELATES TO:
: **ALL CASES**
:

CASE MANAGEMENT ORDER NO. 4
RE: POST INITIAL CASE MANAGEMENT CONFERENCE

June 4, 2018

On May 31, 2018, the Court conducted an initial case management conference with the participation of numerous counsel for both the Plaintiffs and the Defendants. During that conference, the parties discussed several matters relating to the case management of this multi-district litigation. This Order memorializes certain agreements reached and oral rulings made at the conference.

- 1. PENDING MOTIONS.** All pending motions made pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(2) are deferred until future Order of Court. To the extent that they have not already done so, no party shall file a brief in support, opposition, or reply regarding these motions. The Court shall defer ruling on these pending motions. All privileges, defenses, and arguments are preserved.
- 2. ANSWERS.** The parties have agreed that the Defendants do not have to answer the complaints that they have not already answered. All defenses are preserved and nothing is waived by this agreement.

- 3. CASE MANAGEMENT ORDER.** Within twenty (20) days of the date of the conference, the parties shall file a Revised Joint Proposed Case Management Order. That Case Management Order will outline certain deadlines for case-specific and generic discovery for the next one-hundred and twenty (120) day period.
- 4. DISCOVERY MASTER.** At the conference, the Court appointed Chief Magistrate Judge Susan E. Schwab as the Discovery Master for this multi-district litigation. All discovery disputes that arise under the existing Case Management Order are hereby referred to Judge Schwab for resolution. Judge Schwab will also oversee any issues regarding the entry of a protective order, should the parties be unable to agree upon such an order. Other matters may be referred to Judge Schwab as necessary throughout the litigation. The parties shall follow all procedures as requested by Judge Schwab, with the following overarching guidelines:

 - a.** The parties shall familiarize themselves with the meet and confer requirement of Local Rule 26.3.
 - b.** No party shall file a motion regarding a discovery dispute without first filing a joint letter on the docket addressed to Judge Shwab outlining the dispute, explaining why Court intervention is necessary, and requesting a telephone conference.
- 5. TELEPHONE CONFERENCES:** The Court intends to hold regular status conferences via telephone through the course of this multi-district litigation. Participation in those conference calls shall be limited to Defendants' Lead Counsel, Plaintiffs' Lead Counsel, and members of the Plaintiffs' Executive Committee as necessary.

 - a.** Telephone status conferences are hereby scheduled for the following dates and times:

 - July 2, 2018, at 2:30 p.m.
 - August 1, 2018, at 2:00 p.m.
 - September 12, 2018, at 2:00 p.m.
 - October 23, 2018, at 2:00 p.m.
 - November 27, 2018, at 2:00 p.m.
 - December 19, 2018, at 2:00 p.m.

- b. To facilitate the conference call, Plaintiffs' Lead Counsel, Sol Weiss, is directed to either join all counsel and call chambers, (717) 221-3986, or otherwise arrange for a conference number to be disseminated to participating counsel in advance of the scheduled call.

- 6. **EMAIL.** All correspondence intended to reach the Court, the assigned law clerks to this matter, or the assigned representative from the Clerk's Office shall be emailed to Sorin.MDL@pamd.uscourts.gov.

- 7. **WEBSITE.** The Court intends to maintain a website dedicated specifically to this multi-district litigation. The website may be accessed at: <http://www.pamd.uscourts.gov/content/118-md-02816-sorin>. The Court will publish the following information on the website. Should any party wish additional information be included on the website, counsel shall email the Court at Sorin.MDL@pamd.uscourts.gov.
 - a. All Case Management Orders.
 - b. Contact information for Plaintiffs' Lead Counsel and the Executive Committee.
 - c. Contact information for Defendants' Lead Counsel.
 - d. Contact information for the Court, Clerk's Office, and the Court Reporter.
 - e. Schedule of upcoming conference calls or proceedings.
 - f. Any decisions that apply to all cases including, but not limited to, *Daubert*, privilege, confidentiality, and discovery dispute rulings.
 - g. Links to relevant FDA, CDC, and state health department websites regarding the potential risk of infection with 3Ts and other heater-cooler systems.

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