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

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9 IN RE: Bard IVC Filters Products Liability  
10 Litigation,

No. MDL 15-02641-PHX DGC

**ORDER**

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14 This multidistrict litigation proceeding (“MDL”) involves thousands of personal  
15 injury cases related to inferior vena cava (“IVC”) filters manufactured and marketed by  
16 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively, “Bard”).  
17 Plaintiffs have filed a motion to exclude the opinions of Dr. Clement Grassi. Doc. 7326.  
18 Defendants have filed a response. Doc. 7798. No reply has been filed, and the parties  
19 agree that oral argument is not necessary. The Court will deny the motion as moot.

20 The IVC is a large vein that returns blood to the heart from the lower body. IVC  
21 filters are small metal devices implanted in the IVC to catch blood clots before they  
22 reach the heart and lungs. Like most medical devices on the market today, the Bard IVC  
23 filters at issue in this MDL received premarket clearance from the Food and Drug  
24 Administration (“FDA”).

25 Plaintiffs allege that Bard filters are more dangerous than other IVC filters because  
26 they have a higher risk of tilting, perforating the IVC, or fracturing and migrating to  
27 neighboring organs. Plaintiffs further allege that Bard failed to warn physicians and  
28 patients about these higher risks. Doc. 303-1. Bard disputes Plaintiffs’ allegations,

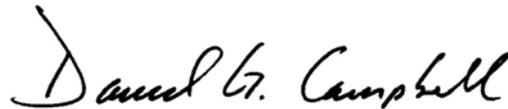
1 contending that complication rates for Bard filters are comparable to those of other IVC  
2 filters and that the medical community is aware of the risks associated with IVC filters.

3 Defendants have identified Dr. Grassi, an interventional radiologist, as an expert  
4 witness on various issues related to Bard IVC filters. Plaintiffs do not dispute  
5 Dr. Grassi's expertise in the field of interventional radiology, but contend that he is not  
6 qualified to offer opinions about the FDA regulatory process for IVC filters. Doc. 7326  
7 at 3-5. Plaintiffs identify no such opinions in Dr. Grassi's expert report. Instead,  
8 Plaintiffs seek to exclude Dr. Grassi's deposition testimony that (1) he "know[s] from  
9 personal experience when [he] participated in the Simon nitinol FDA pre-approval testing  
10 what was done in terms of testing with that filter device" (Doc. 7798-2 at 5), and (2) he is  
11 "aware of the processes and the standards that [Bard] is required to undergo as part of its  
12 FDA pre-acceptance testing under what would be a 510(k) application" (Doc. 7326-2  
13 at 4).

14 Defendants respond that Dr. Grassi does not purport to be an FDA regulatory  
15 expert, and that he will limit his opinions at trial to the issues addressed in his report.  
16 Doc. 7798 at 3-4. Given this avowal, Plaintiffs' motion to exclude Dr. Grassi's  
17 deposition testimony is moot.

18 **IT IS ORDERED** that Plaintiffs' motion to exclude the opinions of Clement  
19 Grassi, M.D. (Doc. 7326) is **denied** as moot.

20 Dated this 6th day of February, 2018.

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24 David G. Campbell  
25 United States District Judge  
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