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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

11 **CASE MANAGEMENT ORDER**
12 **NO. 36**
13

14 The Court has reviewed the parties' memoranda on Plaintiff Debra Mulkey's
15 status and the possibility of trying the Tinlin case in November 2018. Docs. 11951,
16 11952. The memorandum on Ms. Mulkey makes clear that her case should not be
17 scheduled for trial in November. She continues to undergo medical testing attempting to
18 identify the cause of her concerning health issues, and scheduling her for the stress of a
19 three-week trial in November would be unwise. The Court will try Ms. Mulkey's case in
20 2019.

21 The Court had fully intended to try a fourth bellwether trial in November, but the
22 Court's grant of summary judgment in the Kruse case and the unavailability of
23 Ms. Mulkey for trial this year mean that the only remaining bellwether plaintiff is Debra
24 Tinlin. Unfortunately, much of the case-specific discovery and expert disclosures
25 required for the Tinlin trial have not been completed. Plaintiffs propose an aggressive
26 schedule to have the Tinlin case ready for trial in November, but the Court concludes that
27 the schedule is unrealistic. A year's worth of medical records for Plaintiff Tinlin's many
28 medical conditions will need to be collected, many treating physicians likely will need to

1 be deposed, plaintiff-specific expert reports must be prepared and disclosed, expert
2 depositions must be completed, and *Daubert* and summary judgment motions must be
3 briefed and decided. For a trial to begin on November 5, 2018, the Court would need to
4 rule on the *Daubert* and summary judgment motions in early October, something that
5 would be very difficult in light of the Court's administrative responsibilities that month
6 and the fact that the Hyde bellwether trial will not end until October 5.

7 The Court is reluctant to lose the November bellwether trial slot, but
8 circumstances make a Tinlin trial in November unreasonable. As a result, the Court will
9 plan to try the Tinlin and Mulkey cases in February and May of 2019. The Court will
10 decide the order of the trials, and the dates for the trial in May, after the Hyde trial.

11 The parties shall follow this schedule in preparing the Tinlin case for trial:

12 1. Plaintiff shall provide an updated provider list and executed medical
13 authorizations to Defendants by **August 10, 2018**.

14 2. The parties shall obtain updated medical records from known treaters and
15 newly identified treaters by **September 28, 2018**.

16 3. The parties shall identify treating physicians and fact witnesses to be
17 deposed, and shall complete the depositions on a rolling basis, by **October 5, 2018**.

18 4. Plaintiff's case-specific expert disclosures shall be completed by
19 **September 28, 2018**.

20 5. Defendants' case-specific expert disclosures shall be completed by
21 **October 26, 2018**.

22 6. Case-specific experts shall be deposed by **November 16, 2018**.

23 7. Dispositive and *Daubert* motions shall be filed by **December 7, 2018**,
24 responses by **December 28, 2018**, and replies by **January 11, 2019**.

25 Dated this 2nd day of August, 2018.

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David G. Campbell
United States District Judge