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

IN RE: Bard Implanted Port Catheter  
Products Liability Litigation,

MDL No. 3081

**CASE MANAGEMENT ORDER NO. 13**

(Third Case Management Conference)

(Applies to All Actions)

The Court held a third case management conference on January 8, 2024. This order will reflect matters discussed during the conference.

**I. Ongoing Events.**

a. The parties advised the Court that the JPML will, on January 25, 2024, address whether port-reservoir defects are part of this MDL. The parties anticipate that the JPML will rule promptly. The panel’s ruling will determine whether the Master Complaint should be amended to include port-reservoir defects.

b. The parties have scheduled an information-infrastructure deposition for January 18, 2024. Following the deposition, the parties will address Custodian and Non-Custodial Sources, the scope of corporate liability in relation to Plaintiffs’ discovery served on December 8, 2023, and the scope of general liability discovery in relation to Plaintiffs’ discovery served on November 22, 2023. Any disagreements on these matters will be addressed and resolved at the next case management conference.

1 c. The parties have not yet agreed on a deposition protocol. The parties shall  
2 endeavor to reach agreement prior to the next case management conference. If they do,  
3 they should submit their protocol by stipulation as soon as agreement is reached. If they  
4 are unable to reach agreement, the Court will resolve their differences at the case  
5 management conference.

6 d. The parties have not yet agreed on a date for substantial completion of written  
7 discovery. The parties shall endeavor to reach agreement prior to the next case management  
8 conference. Any disagreement will be resolved by the Court at that time.

9 e. The parties continue to work on a preservation order. The parties shall  
10 endeavor to reach agreement on such an order prior to the next case management conference.  
11 If they do, they should submit their order by stipulation as soon as agreement is reached. If  
12 they are unable to reach agreement, the Court will resolve their differences at the case  
13 management conference.

14 **II. Plaintiff's Motion.**

15 The Court will grant Plaintiffs' Motion to Establish a Common Benefit Expense  
16 Fund and Appoint an Escrow Agent (Doc. 286) and enter a revised order as discussed with  
17 Plaintiffs' counsel during the conference. Plaintiffs shall provide the Court with a copy of  
18 the escrow agreement entered with the CPA before the next case management conference.

19 **III. Next Case Management Conference.**

20 The Court will hold a fourth case management conference on **March 1, 2024 at 2:00**  
21 **p.m.** The parties shall file a joint memorandum by **February 27, 2024**. If the parties have  
22 disagreements on any of the issues set forth in section I above, they shall describe those  
23 disagreements in sufficient detail for the Court to rule at the conference.

24 Dated this 9th day of January, 2024.

25 

26 David G. Campbell  
27 Senior United States District Judge  
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