

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ETHICON PHYSIOMESH	:	MDL DOCKET NO. 2782
FLEXIBLE COMPOSITE	:	ALL CASES
HERNIA MESH PRODUCTS	:	
LIABILITY LITIGATION	:	
	:	
	:	CIVIL ACTION NO.
	:	1:17-MD-02782-RWS
	:	

**PROPOSED ORDER APPOINTING PLAINTIFFS' LEAD  
AND LIAISON COUNSEL AND PLAINTIFFS' STEERING COMMITTEE**

Upon consideration of Plaintiffs' Proposed Counsel Organizational Structure (Doc. 192), and applications from counsel interested in a leadership position in this MDL, the Court appoints the following attorneys to serve as Co-Lead and Co-Liaison Counsel for Plaintiffs and Plaintiffs' Steering Committee in MDL No. 2782:

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The duties and responsibilities of Lead and Liaison Counsel and the Plaintiffs' Steering Committee shall be as follows:

**Plaintiffs' Lead Counsel**

Lead Counsel shall be charged with formulating and presenting Plaintiffs' positions on all substantive and procedural issues arising during these pretrial proceedings. Generally, Lead Counsel shall submit and argue motions. At least one and preferably both Lead Counsel shall attend status conferences and such other hearings or conferences as may occur. Lead Counsel shall work with opposing counsel in developing and implementing a litigation plan to ensure pretrial proceedings are conducted effectively, efficiently, and economically. Lead Counsel may delegate specific tasks to other counsel to further these prescribed goals. Lead

Counsel shall receive an emailed courtesy copy of any document filed in any case in this MDL.

Plaintiffs' Lead Counsel, in coordination with the Plaintiffs' Steering Committee, may in their discretion designate committees to handle specified matters, and such committee membership may include attorneys and/or law firms outside of the leadership structure herein.

Plaintiff's Lead Counsel, in coordination with the Plaintiffs' Steering Committee, shall set assessments to be paid by the Plaintiffs' Steering Committee members, including an initial assessment to fund the initial necessary common benefit work, such as document and electronically-stored information management, expert witness fees, and accounting charges.

**Plaintiffs' Liaison Counsel**

Plaintiffs' Liaison Counsel shall be charged with facilitating the administrative requirements of these pretrial proceedings. To the extent service is not otherwise achieved through CM/ECF, Liaison Counsel shall act as the primary recipients of the Court's orders on behalf of Plaintiffs, distributors of Plaintiffs' pleadings, notices, and motions to Defendants' lead and liaison counsel, and shall coordinate service and filings. Liaison Counsel shall be reasonably available to communicate with the Court on administrative or procedural matters when



necessary. Liaison Counsel shall attend status conferences and such other hearings or conferences as they may occur.


**Plaintiffs' Steering Committee**

The Plaintiffs' Steering Committee ("PSC") will be responsible for assisting with preparation of and responses to motions and briefs, participating in and conducting common discovery and depositions, identification of expert witnesses, and various other necessary tasks required in this litigation as determined by Plaintiffs' Co-Lead Counsel as this litigation progresses in order to develop and prepare these cases effectively and efficiently for the benefit of all MDL plaintiffs.

Plaintiffs' Co-Lead Counsel and the PSC shall have regular communications and meetings regarding matters pertinent to the handling of this MDL, and the PSC will work in conjunction with Plaintiffs' Co-Lead Counsel in the formation and assignment of committee work to advance the MDL cases in the most efficient and effective manner possible.

Plaintiffs' Co-Lead Counsel, Plaintiffs' Liaison Counsel, and the PSC shall be entitled to seek reimbursement of fees and costs expended for the common benefit of Plaintiffs at the time and in a manner approved by the Court by separate Order.

**SO ORDERED**, this 16<sup>th</sup> day of August, 2017.



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RICHARD W. STORY  
United States District Judge