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APR 20 2018
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
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1 Michael K. Brown (SBN 104252)
mkbrown@reedsmith.com
2 REED SMITH LLP
355 South Grand Avenue
3 Suite 2900
Los Angeles, CA 90071-1514
4 Telephone: +1 213 457 8000
Facsimile: +1 213 457 808

5 Steven J. Boranian (SBN 174183)
sboranian@reedsmith.com
6 Courtland C. Chillingworth (SBN 261140)
cchillingworth@reedsmith.com
7 REED SMITH LLP
8 101 Second Street, Suite 1800
San Francisco, CA 94105-3659
9 Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

10 Attorneys for Defendants
11 Davol Inc. and C.R. Bard, Inc.

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

15 TERRY HANSEN,
16
17 Plaintiff,
18 vs.
19 DAVOL INC. AND C.R. BARD,
20 Defendants.
21

Case No.: 2:18-cv-00495-JAM-EFB

**STIPULATION AND ORDER TO STAY
ALL PROCEEDINGS PENDING JPML
APPROVAL OF PROPOSED
MULTIDISTRICT LITIGATION AND
TRANSFER OF CASE**

Complaint Filed: March 7, 2018
FAC Filed: March 26, 2018

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28 STIPULATION AND ORDER TO STAY ALL PROCEEDINGS PENDING JPML APPROVAL OF PROPOSED
MULTIDISTRICT LITIGATION AND TRANSFER OF CASE

1 Plaintiff and Defendants, Davol Inc. and C. R. Bard, Inc., by and through their counsel of
2 record propose the following stay of all proceedings in this case pursuant to a stipulation based on
3 the following:

4 Plaintiff alleges personal injuries related to the use of the Perfix Plug, a polypropylene mesh
5 medical device manufactured by Defendants for the treatment of hernias. Like Plaintiff, there are
6 more than 80 plaintiffs with products liability cases related to the use of Defendants' hernia repair
7 devices made, at least in part, of polypropylene in federal courts across the country.

8 Accordingly, on April 10, 2018, pursuant to 28 U.S.C. § 1407, a group of more than 50
9 plaintiffs filed a Motion for § 1407 Coordination/Consolidation & Transfer of Related Actions
10 ("MDL Motion") with the United States Judicial Panel on Multidistrict Litigation ("JPML").¹ The
11 MDL Motion seeks to transfer all federal products liability cases, both current and subsequently-
12 filed, involving Defendants' hernia mesh medical devices to a single court for purposes of
13 coordination and consolidation of pre-trial proceedings.

14 Should the JPML grant the MDL Motion, Plaintiff's case would fit squarely within the scope
15 of the MDL being requested and would stand to be transferred to the MDL court imminently.

16 Accordingly, the parties agree and request a stay of all proceedings in this case pending the
17 JPML's decision on the MDL Motion.

18 A stay of this nature would serve the interests of justice and judicial economy. As the
19 majority of district courts have found in circumstances in which a pending matter would fall within
20 the scope of a proposed MDL being considered by the JPML, good cause exists to stay all
21 proceedings pending the JPML's decision.

22 Any pretrial management efforts put forth by this Court will be overtaken by the MDL
23 court's pretrial orders, assuming the case is transferred. A stay would prevent any unnecessary and
24 duplicative pre-trial proceedings, including discovery and motion practice. *See, e.g., Miley v.*
25 *Bristol-Myers Squibb Co.*, Case No. 0:16-cv-00066-PJS-KMM, 2016 WL 4257596, *1 (D. Minn.

26 _____
27 ¹ The MDL Motion and its supporting brief are attached hereto as Exhibits 1 and 2, respective.

1 July 8, 2016) (“The Court agrees that the conservation of judicial resources is best served by
2 allowing the JPML the time to determine whether this action should be part of an MDL.”)

3 Moreover, the parties agree that neither party will suffer any prejudice by the issuance of a
4 stay.

5 IT IS SO STIPULATED.

6 DATED: April 18, 2018

7 REED SMITH LLP

8
9
10 By: /s/

11 Michael K. Brown
12 Steven J. Boranian
13 Courtland C. Chillingworth

14 Attorneys for Defendants
15 Davol Inc. and C. R. Bard, Inc.

16 DATED: April 18, 2018

17 MCCUNE WRIGHT AREVALO, LLP

18
19
20 By: /s/

21 Kristy M. Arevalo

22 Attorneys for Plaintiff
23 Terry Hansen

24 ///

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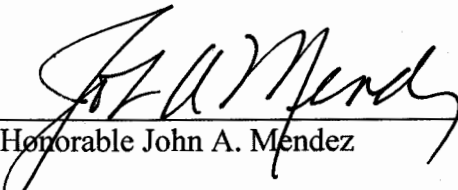
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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3 DATED: April 20, 2018

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6 Honorable John A. Mendez
7 United States District Court Judge
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