

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BARBARA HAMBLEN and HERBERT
HAMBLEN,

Plaintiffs

v.

Case No. 8:17-cv-1613-T-33TGW

DAVOL, INC. and C.R. Bard, Inc.,

Defendants.

_____ /

ORDER

This matter is before the Court pursuant to Defendants Davol, Inc. and C.R. Bard, Inc.'s Motion to Stay All Proceedings (Doc. # 64), which was filed on April 24, 2018. The request for a stay is predicated upon proceedings before the United States Judicial Panel on Multidistrict Litigation. In the 3.01(g), M.D. Fla. Certificate of Conferral, Defendants indicated that Plaintiffs oppose the relief requested. On April 30, 2018, Defendants filed a Notice of Supplemental Authority (Doc. # 65) referring to recently stayed cases involving Bard's hernia products.

Thereafter, Plaintiffs filed their "Consent to Defendants Davol, Inc. and C.R. Bard, Inc.'s Motion to Stay All Proceedings." (Doc. # 66). Specifically, Plaintiffs state: "Upon further review of the facts and claims relating to this case and the highly probable inclusion of the Bard® Composix®

Kugel® Hernia Patch in the newly requested MDL, Plaintiffs AGREE with the GRANTING of a Motion to Stay All Proceedings.” (Id. at 3). In the interest of judicial economy, this Court stays this matter until such time as the Panel has dispositively ruled as to whether this case will be transferred to consolidated multidistrict litigation.

A stay pending a consolidation and transfer decision by the JPML serves the primary purposes of the multidistrict litigation device, which is to “eliminate duplicative discovery; prevent inconsistent pretrial rulings . . . and conserve the resources of the parties, their counsel, and the judiciary.” In re Cal. Retail Nat. Gas & Elec. Antitrust Litig., 150 F. Supp. 2d 1383, 1384 (J.P.M.L. 2001). In so staying this case, this Court is mindful of its broad discretion over the manner in which it manages the cases before it, Chrysler Int’l Corp. v. Chemaly, 280 F.3d 1358, 1360 (11th Cir. 2002), and finds that the stay is reasonable.

Accordingly, it is hereby


ORDERED, ADJUDGED, and DECREED:

1. Defendants Davol, Inc. and C.R. Bard, Inc.’s Motion to Stay All Proceedings (Doc. # 64) is **GRANTED**.
2. The Clerk is directed to **STAY AND ADMINISTRATIVELY CLOSE** this case until such time as the Panel has dispositively

ruled as to whether this case will be transferred to consolidated multidistrict litigation.

3. The parties shall immediately inform the Court when the Panel has made its final ruling.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 1st day of May, 2018.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE