

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JAMES H DYER, JR.

CIVIL ACTION

VERSUS

C. R. BARD INC., ET AL.

NO. 19-00588-BAJ-EWD

**ORDER**

Before the Court are multiple motions submitted by Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. (collectively, “Bard”), collectively seeking an order adopting various prior orders entered in the multi-district litigation (“MDL”) proceeding before the Honorable David G. Campbell in the United States District Court for the District of Arizona, *In Re: Bard IVC Filters Products Liability Litigation*, No. 2:15-MD-02641-PHX-DGC (D. Ariz.):

- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard’s Motion To Exclude The Opinions Of Rebecca Betensky, Ph.D (Doc. 133);**
- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard’s Motion And Incorporated Memorandum To Exclude The Opinions Of David Kessler, M.D. (Doc. 134);**
- **Ex Parte Motion To Adopt MDL Court Order On Bard’s Motion To Exclude The Opinions Of Thomas Kinney, M.D., Anne Christine Roberts, M.D., And Sanjeeva Kalva, M.D. (Doc. 135);**
- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard’s Motion And Incorporated Memorandum To Exclude The Opinions Of David Garcia, M.D. And Michael Streiff, M.D. (Doc. 136);**
- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard’s Motion To Exclude The Opinions Of Darren R. Hurst, M.D. (Doc.**

137);

- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard's Motion To Exclude The Opinions Of Robert O. Ritchie, Ph.D. (Doc. 138);**
- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard's Motion And Memorandum In Support Of Motion To Disqualify Robert Vogelzang, M.D. And Kush Desai, M.D. As Testifying Experts (Doc. 139);**
- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard's Motion And Incorporated Memorandum To Exclude The Opinions Of Suzanne Parisian, M.D. (Doc. 140); and**
- **Ex Parte/Consent Motion To Adopt MDL Court Order On Bard's Motion To Exclude The Opinions Of Robert M. McMeeking, Ph.D. (Doc. 141).**

(Collectively, the "Motions to Adopt").

The MDL Court orders under consideration for adoption address the admissibility of expert witness testimony and related reports, and are therefore within the ambit of the MDL's "primary purpose," which was "to centralize all pretrial proceedings and complete all common fact and expert discovery concerning Bard IVC filters." (Doc. 3 at 2, 9 (Suggestion of Remand and Transfer Order)). Moreover, Plaintiff consents to adoption of each of the proposed MDL Court orders.

Accordingly,

**IT IS ORDERED** that Bard's Motions to Adopt be and are hereby **GRANTED**, and that the above-referenced orders of the MDL Court be and are **ADOPTED** in their entirety, and shall be fully applicable to all future proceedings in the above-captioned action.

**IT FURTHER ORDERED**, in light of the forgoing, that Bard's various *ex*

*parte* motions to substitute (Docs. 146, 147, 148, 149) be and are hereby **STRICKEN**.

Baton Rouge, Louisiana, this 13th day of July, 2021



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**JUDGE BRIAN A. JACKSON  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**