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10  
 11 **IN THE UNITED STATES DISTRICT COURT**  
 12 **FOR THE DISTRICT OF NEVADA**

13 GAILYN HALL,

14 Plaintiff,

15 v.

16 C. R. BARD, INCORPORATED and BARD  
 17 PERIPHERAL VASCULAR, INCORPORATED,

18 Defendants.

Case No. 3:20-cv-00313-LRH-CLB

**STIPULATION TO STAY DISCOVERY  
 AND ALL PRETRIAL DEADLINES**

19  
 20 Plaintiff Gailyn Hall (“Plaintiff”) and Defendants C. R. Bard, Inc. and Bard Peripheral  
 21 Vascular, Inc. (“Defendants” and collectively with Plaintiff, the “Parties”), pursuant to Fed.  
 22 R. Civ. P. 26(c) and (d) and LR IA 6-2, respectfully request that this Court temporarily stay  
 23 discovery and all pretrial deadlines until **February 16, 2021** while the Parties finalize  
 24 settlement discussions. In support thereof, the Parties state as follows:

25 1. This case was part of the Multi-District Litigation proceeding *In re: Bard IVC*  
 26 *Filters Product Liability Litigation*, pending before Senior Judge David Campbell of the  
 27 District of Arizona.

28 ///

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1           2.       Plaintiff alleges experiencing complications following the implantation of a  
2 Bard Inferior Vena Cava (“IVC”) filter, a prescription medical device. She has asserted three  
3 strict products liability counts (manufacturing defect, information defect (failure to warn) and  
4 design defect), six negligence counts (design, manufacture, failure to recall/retrofit, failure to  
5 warn, negligent misrepresentation and negligence per se), two breach of warranty counts  
6 (express and implied), two counts sounding in fraud (fraudulent misrepresentation and  
7 fraudulent concealment), an unfair and deceptive trade practices count, and a claim for  
8 punitive damages.

9           3.       Defendants deny the allegations contained in the Complaint.

10          4.       After four years, the completion of general issue discovery, and the conduct of  
11 three bellwether trials, Judge Campbell ordered that cases, which have not settled or are not  
12 close to settling, be transferred or remanded to the appropriate jurisdictions around the  
13 country for case-specific discovery and trial. As a part of that process, he established a “track”  
14 system, wherein certain cases were placed on tracks either to finalize settlement paperwork,  
15 continue settlement negotiations, or be remanded or transferred.

16          5.       This case was transferred to this Court on March 30, 2020 because at the time  
17 it was not close to settling. But, since that date, the Parties have engaged in further  
18 settlement discussions and have reached a settlement in principal. The Parties believe that a  
19 stay is necessary to conserve their resources and attention so that they may attempt to resolve  
20 this case and those of two other plaintiffs represented by Plaintiff’s counsel with cases  
21 pending before this Court.

22          6.       Accordingly, the Parties request that this Court issue an order staying discovery  
23 and pretrial deadlines until February 16, 2021 to allow the Parties time to finalize  
24 settlement. This will prevent unnecessary expenditures of the Parties and judicial resources as  
25 well as place this case on a similar “track” as the MDL cases Judge Campbell determined  
26 should continue settlement dialogue.

27          7.       A district court has broad discretion over pretrial discovery rulings. *Crawford-*  
28 *El v. Britton*, 523 U.S. 574, 598 (1998); *accord Republic of Ecuador v. Hinchee*, 741 F.3d

1 1185, 1188-89 (11th Cir. 2013); *Thermal Design, Inc. v. Am. Soc’y of Heating, Refrigerating*  
2 *& Air-Conditioning Eng’rs, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014); *see also Cook*  
3 *v. Kartridg Pak Co.*, 840 F.2d 602, 604 (8th Cir. 1988) (“A district court must be free to use  
4 and control pretrial procedure in furtherance of the orderly administration of justice.”).

5 8. Under Federal Rules of Civil Procedure 26(c) and 26(d), a court may limit the  
6 scope of discovery or control its sequence. *Britton*, 523 U.S. at 598. Although settlement  
7 negotiations do not automatically excuse a party from its discovery obligations, the parties  
8 can seek a stay prior to the cutoff date. *Sofo v. Pan-Am. Life Ins. Co.*, 13 F.3d 239, 242  
9 (7th Cir. 1994); *see also Wichita Falls Office Assocs. v. Banc One Corp.*, 978 F.2d 915, 918  
10 (5th Cir. 1993) (finding that a “trial judge’s decision to curtail discovery is granted great  
11 deference,” and noting that the discovery had been pushed back a number of times because of  
12 pending settlement negotiations).

13 9. Facilitating the efforts of parties to resolve their disputes weighs in favor of  
14 granting a stay. In *Coker v. Dowd*, 2:13-cv-0994-JCM-NJK, 2013 U.S. Dist. LEXIS 201845,  
15 at \*2-3 (D. Nev. July 8, 2013), the parties requested a 60-day stay to facilitate ongoing  
16 settlement negotiations and permit them to mediate global settlement. The Court granted the  
17 stay, finding the parties would be prejudiced if required to move forward with discovery at  
18 that time and a stay would potentially prevent an unnecessary complication in the case. *Id.* at  
19 \*3. Similarly, the Parties in the present case have reached a settlement in principal with  
20 Plaintiff and the other two plaintiffs represented by Plaintiff’s counsel.

21 10. The Parties agree that the relief sought herein is necessary to handle the case in  
22 the most economical fashion yet allow sufficient time to schedule and complete discovery if  
23 necessary, consistent with the scheduling obligations of counsel. The relief sought in this  
24 Motion is not being requested for delay, but so that justice may be done.

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1           **WHEREFORE**, Plaintiff and Defendants respectfully request the Court’s approval of  
2 this stipulation to stay discovery and all pretrial deadlines until **February 16, 2021** to allow  
3 the Parties to conduct ongoing settlement negotiations.

4           **IT IS SO STIPULATED.**

5           Respectfully submitted on November 18, 2020.

6 MCSWEENEY LANGEVIN, LLC

GREENBERG TRAUERIG, LLP

8 By:           /s/ David M. Langevin          

By:           /s/ Eric W. Swanis          

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*Counsel for Plaintiffs*

IT IS SO ORDERED.

Dated: November 19, 2020

  
UNITED STATES MAGISTRATE JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that on **November 19, 2020**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this case.

*/s/ Shermielynn Irasga*

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