



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

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

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

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

20       6. Accordingly, the Parties request that this Court issue an order staying discovery and  
 21 pretrial deadlines until April 19, 2021.

22       7. A district court has broad discretion over pretrial discovery rulings. *Crawford-El v.*  
 23 *Britton*, 523 U.S. 574, 598 (1998); *accord Republic of Ecuador v. Hinchee*, 741 F.3d 1185, 1188-89  
 24 (11th Cir. 2013); *Thermal Design, Inc. v. Am. Soc'y of Heating, Refrigerating & Air-Conditioning*  
 25 *Eng'rs, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014); *see also Cook v. Kartridg Pak Co.*, 840 F.2d 602,  
 26 604 (8th Cir. 1988) (“A district court must be free to use and control pretrial procedure in furtherance  
 27 of the orderly administration of justice.”).

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

8       9.     Facilitating the efforts of parties to resolve their disputes weighs in favor of granting  
 9 a stay. In *Coker v. Dowd*, 2:13-cv-0994-JCM-NJK, 2013 U.S. Dist. LEXIS 201845, at \*2-3 (D. Nev.  
 10 July 8, 2013), the parties requested a 60-day stay to facilitate ongoing settlement negotiations and  
 11 permit them to mediate global settlement. The Court granted the stay, finding the parties would be  
 12 prejudiced if required to move forward with discovery at that time and a stay would potentially  
 13 prevent an unnecessary complication in the case. *Id.* at \*3. Here, the Parties have reached a settlement  
 14 in principle.

15      10.    The Parties agree that the relief sought herein is necessary to handle the case in the  
 16 most economical fashion yet allow sufficient time to schedule and complete discovery if necessary,  
 17 consistent with the scheduling obligations of counsel. The relief sought in this Motion is not being  
 18 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 this  
2 stipulation to stay discovery and all pretrial deadlines until April 19, 2021 to allow the Parties to  
3 finalize settlement documents.

4           **IT IS SO STIPULATED.**

5           Respectfully submitted on February 16, 2021.

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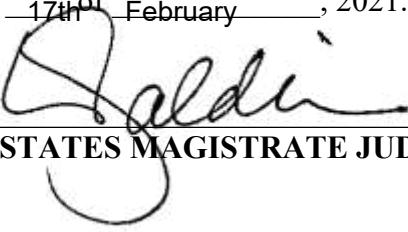
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36           **IT IS SO ORDERED.**

37           Dated this 17th of February, 2021.

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39           \_\_\_\_\_  
40           UNITED STATES MAGISTRATE JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on **February 16, 2021**, 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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