

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

IN RE: ETHICON, INC., POWER MORCELLATOR
PRODUCTS LIABILITY LITIGATION

(This Document Relates to All Cases)

MDL No. 2652

D. Kan. No. 15-md-2652-KHV

**ORDER REGARDING PRODUCT IDENTIFICATION DISCOVERY FOR KARL
STORZ DEFENDANTS**

On January 4, 2016, as contemplated by Scheduling Order No. 1 in this MDL proceeding (*see* ECF doc. 80, pp. 1-2), U.S. District Judge Kathryn H. Vratil and U.S. Magistrate Judge James P. O'Hara received a proposed order from the KARL STORZ defendants with regard to product identification. Unlike stipulated orders jointly submitted by the plaintiffs' steering committee ("PSC") and the Ethicon defendants with regard to discovery for plaintiffs who are *in extremis*, amendment of pleadings, and pathology preservation, the PSC objects to the KARL STORZ defendants' proposed order with regard to product identification.

As discussed during a status conference with counsel on January 6, 2016, the court hereby orders that in *Barnett v. KARL STORZ, et al.* (D. Kan. 15-9326-KHV), the plaintiff must establish product identification no later than **January 22, 2016**, which includes the taking of all depositions necessary to confirm product identification. In all cases transferred to this MDL after the filing of this order that involve more than one independent defendant manufacturer, the plaintiff(s) in each such case must produce product identification evidence to the defendants within 30 days of the date that each such case is ordered transferred to this MDL.

Based on the possibility that the product identification in *Barnett* may lead to the dismissal of the KARL STORZ defendants from this MDL, the deadline for the KARL STORZ defendants to serve initial disclosures required by Fed. R. Civ. P. 26(a)(1)(A) is extended to **March 1, 2016**.

IT IS SO ORDERED.

Dated January 7, 2016, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U. S. Magistrate Judge