

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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IN RE: COOK MEDICAL, INC., IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

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Case No. 1:14-ml-2570-RLY-TAB  
MDL No. 2570

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This Document Relates to All Actions

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**ORDER ESTABLISHING POLICIES AND PROCEDURES**

This order shall govern the practices and procedures in all civil actions transferred to this Court as part of the above captioned MDL, as well as all related actions originally filed in, transferred to, or removed to this Court. This order shall also apply to any tag-along actions later made a part of this MDL.

**APPEARANCES** – Counsel who appeared in a transferor court prior to transfer by the JPML need not enter an additional appearance before this Court. Attorneys admitted to practice and in good standing in any United States District Court are admitted *pro hac vice* in this litigation, and the requirements of [Local Rule 83-6](#) are waived. Association with local counsel is not necessary. Counsel in MDL cases originating in this district or those appearing after a case is transferred to the MDL must enter an appearance (see sample [Appearance of Counsel Form](#)). If an attorney wishing to appear has not previously been admitted to practice in any United States District Court, a motion to appear *pro hac vice* must be filed; however, the filing fee will be waived (see sample [Motion to Appear Pro Hac Vice](#)).

**EXTENSION AND STAY** – Each Defendant is granted an indefinite extension of time for responding by motion or answer to the complaint(s), pending further order of this Court. All deadlines for responding to pending motions or discovery requests are also stayed pending further order. These deadlines will be addressed and reset at the upcoming initial pretrial conference.

**PREVIOUS ORDERS** – Any orders, including protective orders, previously entered by this Court or any transferor court, shall remain in full effect unless modified by this Court.

**FILING** – Pursuant to [Local Rule 5-2](#), all documents filed in this matter shall be filed electronically, according to this district's [ECF Administrative Policies and Procedures Manual](#), unless expressly exempted by local rule or an Order of the Court. Accordingly, counsel shall register with the Clerk's office for electronic filing. The registration form may be found on the Court's website at [www.insd.uscourts.gov/e-filing-resources](http://www.insd.uscourts.gov/e-filing-resources). Counsel need only register one time in the Southern District; it is not necessary to register in every case in which counsel is involved.

Any pleading or document filed in any of the Cases shall be filed electronically with the Clerk of this Court and not with the transferor District Court. Counsel and their staff who are not proficient in electronic filing are encouraged to contact the Court for training in this area. Training for counsel outside the district could be conducted by phone, if necessary. Please contact Jordan Davison at (317) 229-3986 to arrange for training.

Electronic filing allows public access to case information. For this reason, parties must refrain from including personal identifying information such as social security numbers, names of minor children, dates of birth, and financial account numbers. Any such information that

cannot be eliminated from a filing must be redacted. Please refer to [Fed. R. Civ. P. 5.2](#) for more information.

**MASTER DOCKET FILE** – The Clerk shall maintain a master docket under the caption “In Re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation” and the designation MDL No. 2570. When a filing is intended to be applicable to all actions, the words “This Document Relates to ALL ACTIONS” shall be included immediately below the caption. The document shall be filed electronically in 1:14-ml-2570-RLY-TAB and spread to all individual cases. When a filing is intended to apply to fewer than all cases, this Court’s civil cause number for each individual case to which the filing pertains shall appear immediately after the words “This Document Relates to:” and shall be filed electronically in 1:14-ml-2570-RLY-TAB and spread to each member case to which the filing pertains. For example:

In Re: COOK MEDICAL, INC., IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

1:14-ml-2570-RLY-TAB  
MDL No. 2570

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This Document Relates to:

1:14-cv-00013-RLY-TAB  
1:14-cv-00925-RLY-TAB  
1:14-cv-06001-RLY-TAB

If a filing applies only to a particular case or cases, the case numbers should be identified in the docket entry text when the document is filed electronically. Counsel should note that a Notice of Electronic Filing will be received at least twice from every filing or entry of court order – once from the Master Docket cause number and again from the individual case(s).

Pursuant to [Local Rule 26-2](#), discovery requests and responses, as well as notices of motions shall not be filed with the Court.

**DOCKETING** – When an action that properly belongs as a part of MDL No. 2570 is filed in the Southern District of Indiana or transferred here from another court, the Clerk of this Court shall file a copy of this order in the separate action and make an appropriate entry on the master docket.

**SERVICE OF DOCUMENTS** – All counsel of record registered for electronic filing will be served electronically with all orders issued and all filings made by the parties. Plaintiffs’ and Defendants’ Lead Counsel will be responsible for serving paper copies of orders and filings on pro se parties and/or counsel of record who have been excused by the Court from electronic filing. Pursuant to [Fed. R. Civ. P. 5](#), service on Lead Counsel constitutes service on other attorneys and parties for whom Counsel is acting.

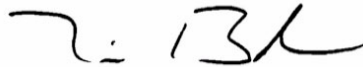
**LEADERSHIP STRUCTURE** – Prior to the initial pretrial conference, counsel for the Plaintiffs and counsel for the Defendants shall, to the extent they have not already done so, confer and seek consensus on recommendations for the leadership structure for this litigation. Counsel shall be prepared to recommend a leadership structure to the Court at the initial pretrial conference.

**STATUS CONFERENCES** – Counsel shall meet and confer in advance of each status conference. Three days prior to the conference, counsel shall submit (not file) a joint agenda and status report to the judge presiding over the conference that identifies matters to be considered by the Court at the status conference. For conferences before Magistrate Judge Baker, please email agendas and status reports to [MJBaker@insd.uscourts.gov](mailto:MJBaker@insd.uscourts.gov). For conferences before Chief Judge Young, please email agendas and status reports to [rly@insd.uscourts.gov](mailto:rly@insd.uscourts.gov).

**MOTIONS RELATING TO ISSUES THAT AFFECT ALL CASES** – Motions and hearings on issues of general application to all of the MDL cases shall be briefed pursuant to

applicable procedural and substantive law and this Court's local rules. The parties shall, with regard to briefing such motions, consolidate their efforts and shall not, without prior permission of the Court, file multiple briefs in support of, in opposition to, or in reply to, any such motion. A single Lead Plaintiffs' and Defendants' counsel, or his or her designee, may present oral argument, as permitted.

Date: 10/31/2014

A handwritten signature in black ink, appearing to read 'T. Baker', written above a horizontal line.

Tim A. Baker  
United States Magistrate Judge  
Southern District of Indiana

Distribution to all electronically registered counsel of record via CM/ECF.

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