

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

---

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

---

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

This Document Relates to: All Actions

---

**REVISED SECOND AMENDED ORDER  
REGARDING CASE CATEGORIZATION FORMS**

Pursuant to the court's Order on the Cook Defendants' Motion for Screening Order and Bellwether Plan (Filing No. 9322) and the court's Order Regarding Case Categorization and Census (Filing No. 9638) (collectively with this Order, the "court's Categorization Orders") the court ordered Plaintiffs to categorize their cases in Categories Nos. 1-7 and submit specific medical records supporting categorization by December 22, 2018. The court also required the Cook Defendants to prepare a census documenting the categorizations made.

Many Plaintiffs failed to comply with the court's December 22 deadline. As a result, the court extended the deadline to January 31, 2019. (Filing No. 9956). The court expressly provided that any case failing to comply with the Categorization Orders and January 31 deadline "shall be dismissed without prejudice." The court ordered the Cook Defendants to provide it with a list of Plaintiffs that had failed to comply by February 7, 2019. (*Id.*).

Thereafter, the Cook Defendants filed a Motion to Dismiss Without Prejudice Pursuant to the court's Categorization Order, which has been amended twice. (Filing No. 10211). Since the filing of the Cook Defendants' Second Amended Motion to Dismiss, Plaintiffs have continued to file Categorization Forms. At the April 29, 2019 status conference, the Cook Defendants presented Exhibit A, entitled Schedule of Plaintiffs That Have Failed to Produce a Categorization Form, and Exhibit B, entitled Schedule of Plaintiffs That Have Failed to Produced Records in Support of Their Categorization Form. The Exhibits were current as of April 26, 2019. The Cook Defendants requested that the cases listed in Exhibits A and B be dismissed without prejudice.

To streamline the case categorization procedure, the court hereby **AMENDS** the court's Categorization Order (Filing No. 9322) as follows:


- The cases listed in Exhibits A and B shall be dismissed by separate order.
- All Plaintiffs who have not complied with the January 31 deadline are **ORDERED** to categorize their cases using the form provided in Filing No. 9638-1, supported by specific medical documentation, and to submit the same to the Cook Defendants and Plaintiffs' Leadership, within **15 days** of the date of this Order.
- All Plaintiffs in newly-filed actions in this MDL (filed as of May 3, 2019, or later), whether by direct filing of the Complaint in this MDL or by transfer into this MDL, must categorize their cases using the form provided in Filing No. 9638-1, supported by specific medical documentation, and submit the same to the Cook

Defendants and Plaintiffs' Leadership, within **30 days** of the filing of the Complaint or of the transfer date to this MDL, whichever is applicable.

- Failure to comply with this Order shall result in dismissal of his or her case without prejudice.

The court's Second Amended Order Regarding Case Categorization Forms (Filing No. 10595) is **VACATED**.

**SO ORDERED** this 7th day of May 2019.

  
RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

Distributed electronically to registered counsel of record.

Distribution to all non-registered counsel of record to be made by Plaintiffs' Lead Counsel.