

**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

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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**SECOND AMENDED ORDER  
ESTABLISHING POLICIES AND PROCEDURES**

This second amended 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.<sup>1</sup>

**DEFINITIONS** – Case No. 1:14-ml-2570-RLY-TAB shall be designated the Master Case. All other cases made a part of MDL 2570 shall be designated Member Cases.

**APPEARANCES** – Counsel who appeared in a transferor court prior to transfer by the JPML need not enter an additional appearance before this Court. All other attorneys must file a notice of appearance in the Southern District of Indiana. (see sample [Appearance of Counsel Form](#)). Appearances filed at the time a new complaint is filed shall be filed directly in the new case. All appearances filed after a case is transferred into the MDL and designated a Member Case shall be filed in the Master Case and spread to the applicable Member Case.

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.

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<sup>1</sup> Contemporaneously with the docketing of this order, the Court will provide a copy of this order via email to all counsel of record registered for electronic filing.

Association with local counsel is not necessary. 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](#)).

**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. Specifically, Counsel shall review and comply with all prior Case Management Orders, particularly, Fourth Amended Case Management Order #4 Party Profile Sheet and Case Categorization Form Protocol. Copies of the Court’s Case Management Orders are available here: <https://www.insd.uscourts.gov/cook-mdl-case-management>

If any case transferred in by the JPML or filed in the Southern District fails to comply with the Case Management Orders and the requirements and deadlines outlined therein, the case may be subject to dismissal under Federal Rule of Civil Procedure 41 for failing to prosecute or for failure to comply with this Court’s Order.

**ELECTRONIC 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, all 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 appears. If counsel intends to electronically file new cases in the Southern District of Indiana they must complete the Electronic Case Opening training and

submit the Training Certification form to the Clerk to obtain access to case opening functionality in CM/ECF. (<http://www.insd.uscourts.gov/e-filing-resources>)

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 cause number 1:14-ml-2570-RLY-TAB, captioned “In Re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation” with 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. When a filing is intended to apply to fewer than all cases, immediately following the words “This Document Relates to:” the caption shall include this Court’s civil cause number for 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

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

Once a new case has been transferred into the MDL and designated a Member Case, all filings, regardless of the Member Case(s) to which they apply, shall be docketed in the Master Case only. It is no longer necessary to spread filings to the Member Cases, with only one exception. Any Notice of Appearance filed after a new case is transferred into the MDL Case shall be filed in the Master Case and spread to the applicable Member Case. No other filings shall be spread to Member Cases.

If a filing applies to all cases, that designation should be included in the docket entry text when the document is filed electronically. Counsel should note that, effective immediately, a Notice of Electronic Filing (“NEF”) will be received via email every time a filing is docketed in the Master Docket, regardless of whether the filing applies to a case in which counsel has appeared. However, counsel of record will now receive only one NEF per filing. All orders, pleadings, motions, and other documents will, when filed and docketed in the Master Case, be deemed filed and docketed in each Member Case to the extent applicable. Pursuant to [Local Rule 26-2](#), discovery documents, as well as notices of motions shall not be filed with the Court.

**DOCKETING** – When an action that properly belongs in MDL No. 2570 is filed in the Southern District of Indiana or transferred here from another court, the Clerk of this Court shall docket a copy of this order in the Member Case.

**SERVICE OF DOCUMENTS** – All counsel of record shall register for electronic filing, as required by Local Rule 5-3. Registered counsel of record will be served electronically with all orders issued by the Court and all filings made by the parties. Pursuant to [Fed. R. Civ. P. 5](#), service on Lead Counsel constitutes service on other attorneys and parties for whom Counsel is acting.

**STATUS CONFERENCES** –Counsel shall meet and confer in advance of each status conference. Five 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 Judge Young, please email agendas and status reports to Tina Doyle at [Tina\\_Doyle@insd.uscourts.gov](mailto:Tina_Doyle@insd.uscourts.gov).

**MOTIONS RELATING TO ISSUES THAT AFFECT ALL CASES** – Motions and hearings on issues of general application to all MDL cases shall be briefed pursuant to applicable procedural and substantive law; this Court’s local rule; and the briefing deadlines outlined in Amended Case Management Order #18. 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.

SO ORDERED this 24th day of March 2020.



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

Copies to all registered counsel of record will be served via the Court’s ECF system.