

**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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**AMENDED CASE MANAGEMENT PLAN REGARDING STATUS CONFERENCES  
AND MOTION HEARINGS WITH THE COURT: CMO 18<sup>1</sup>**

1. Pursuant to the Court's direction, the parties present the following Amended Case Management Plan Regarding Status Conferences and Motion Hearings.

2. The Court will hold monthly status conferences in Indianapolis or Evansville with Lead Counsel and/or Liaison Counsel. The parties are expected to prepare an agenda, which shall be submitted to the Court in advance of the status conferences by Lead and/or Liaison Counsel no later than five (5) days prior to the status conference. The parties are expected to confer on issues to be addressed before the status conferences. The parties shall advise the Court at least three (3) days in advance of the conference should they agree that any scheduled conference is unnecessary.

3. Lead and/or Liaison Counsel for Plaintiffs or Defendants will present filed motions for hearing at the regularly-scheduled status conferences that address issues related to all cases, affect all cases, or relate to bellwether trials ("Status Conference Motions"). Where exigent circumstances require an earlier ruling, the Court will hear Status Conference Motions at

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<sup>1</sup> All deadlines are to be calculated using calendar days, meaning each day of the week, including weekends and holidays are counted, and all deadlines herein supersede those in Local Rules unless otherwise noted.

other times as well. Non-exigent Status Conference Motions shall be heard at the regularly-scheduled status conferences.

4. The parties agree to present Status Conference Motions in a timely fashion so that they will be ripe at the time of the regularly-scheduled status conferences. When filing Status Conference Motions, the filing party shall identify at the top of the filing if they intend the motion to be presented for hearing as a “Status Conference Motion.”<sup>2</sup> Unless otherwise ordered by the Court, motions designated as Status Conference Motions must be filed no later than twenty (20) days in advance of the status conference; any response must be filed no later than ten (10) days in advance of the status conference; any replies must be filed no later than four (4) days in advance of the status conference.<sup>3</sup> Surreplies are not as of right and leave must be sought from the Court for the filing of surreplies.

5. The Court will hold monthly motion hearings in Indianapolis or Evansville. Individual case motions and motions that include multiple cases (but *do not* include all cases) are considered “Monthly Motions,” and such motions may be heard at the monthly motion hearings (“Monthly Motions Hearing”). Each side shall file a “Notice of Hearing” identifying the Monthly Motions to be heard and relevant counsel fifteen (15) days before the Monthly Motions Hearing. The parties shall advise the Court at least three (3) days in advance of the hearing should the parties agree that any scheduled hearing is unnecessary.

6. Any party may designate a Monthly Motion for hearing at the regularly-scheduled Monthly Motions Hearing upon timely filing of a Notice of Hearing. Where exigent circumstances require an earlier ruling, the Court may hear motions at other times as well. Non-

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<sup>2</sup> A responding party may designate a motion for hearing at a Status Conference by identifying at the top of the filed response “Status Conference Motion” or by including it in the monthly agenda.

exigent Monthly Motions shall be expected to be heard at the regularly-scheduled monthly motion hearings.

7. Unless otherwise ordered by the Court, all motions in this MDL except Summary Judgment Motions<sup>4</sup> shall have the following deadlines: (1) any responses must be filed within ten (10) days of the filing of a motion, and (2) replies must be filed six (6) days later.<sup>5</sup> Surreplies are not as of right and leave must be sought from the Court for the filing of surreplies.

8. Motions that are titled and filed as “Omnibus Motions” and which impact a group or groups of cases (but less than all cases in the MDL) will be heard at the Monthly Motions Hearing. No more than two (2) attorneys per side may present oral argument on any Omnibus Motion.

SO ORDERED this 24th day of March, 2020.

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

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<sup>4</sup> Summary Judgment Procedure shall be governed by Local Rule 56-1 unless otherwise ordered by the Court.