

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

COOK MEDICAL, INC., IVC FILTERS)
MARKETING, SALES PRACTICES AND)
PRODUCT LIABILITY LITIGATION MDL)
2570,)
_____)

No. 1:14-ml-02570-RLY-TAB

)
)
THIS DOCUMENT RELATES TO ALL)
ACTIONS)

ORDER SETTING SETTLEMENT CONFERENCES AND RELATED DEADLINES

This order sets three settlement conferences in this case. Counsel should review this order carefully to ensure compliance, as the procedures set forth below vary from the manner in which settlement conferences typically occur before the undersigned. After conferring with the parties, conducting a prior settlement conference in this case, and being extremely familiar with the status of this action, the Magistrate Judge finds that the procedures set forth below will be the most productive manner to approach settlement at this time.

Plaintiffs' counsel shall appear for a settlement conference at 9 a.m. on July 26, 2017, in Room 234, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana, before Magistrate Judge Tim A. Baker. Neither Defendants nor Defendants' counsel may participate in this conference. The Court anticipates that counsel who appear for this conference will consist of the lead counsel for Plaintiffs, though any counsel who has appeared for a Plaintiff in any of these cases may appear. The Court does not require any Plaintiff to appear for this conference, though any Plaintiff may appear at their option. No counsel and no Plaintiffs will be permitted to attend by phone. Three business days prior to the conference, Plaintiffs shall submit (not file) a confidential settlement statement to the Magistrate Judge setting forth: (1) a general statement

regarding the status of the case, including the status of discovery and trial preparation; (2) a candid assessment of the strength and weaknesses of the litigation, with specific references to any evidence that supports this assessment; and (3) a proposed settlement framework. The Magistrate Judge anticipates that this settlement conference will last a half day, though discussions could continue, as needed, depending upon the progress made.

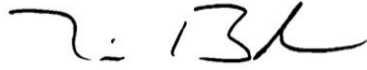
Defendants' counsel, as well as one or more of Defendants' representatives with full settlement authority, shall appear for a settlement conference at 9 a.m. on August 4, 2017, in Room 234, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana, before Magistrate Judge Tim A. Baker. Neither Plaintiffs nor Plaintiffs' counsel may participate in this conference. The Court anticipates that counsel who appear for this conference will consist of the lead settlement counsel for Defendants, as well as any other Defendants' counsel of record that may be needed to assist in assessing this litigation from a settlement perspective. With respect to the Defendants' representatives in attendance, these individuals must have actual authority to negotiate a resolution, without the need to contact others who are not present at the conference. Merely participating in the conference with a pre-arranged level of authority does not constitute full settlement authority and will be deemed to be in violation of this order. Three business days prior to the conference, Defendants shall submit (not file) a confidential settlement statement to the Magistrate Judge setting forth: (1) a general statement regarding the status of the case, including the status of discovery and trial preparation; (2) a candid assessment of the strength and weaknesses of the litigation, with specific references to any evidence that supports this assessment; and (3) a proposed settlement framework. The Magistrate Judge anticipates that this settlement conference will last a half day, though discussions could continue, as needed, depending upon the progress made.

Plaintiffs' counsel shall appear for a follow-up settlement conference at **9 a.m. on August 9, 2017**, in Room 234, United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana, before Magistrate Judge Tim A. Baker. Neither Defendants nor Defendants' counsel may participate in this conference. The Court anticipates that counsel who appear for this conference will consist of the lead counsel who participated in the first settlement conference set by way of this order, unless specifically excused. The Court does not require any Plaintiff to appear for this conference, though any Plaintiff may appear at their option. No counsel and no Plaintiffs will be permitted to attend by phone. The Magistrate Judge will contact Plaintiffs' lead counsel in advance of this follow up conference to discuss settlement in light of the conference conducted with Defendants. The Court may cancel this follow-up conference if it appears such a conference would not materially advance settlement discussions. However, the Court does not anticipate doing so, and expects this follow-up settlement conference to last a half day, though discussions could continue, as needed, depending upon the progress made.

The Magistrate Judge will keep in strict confidence the confidential settlement information relayed by the parties and their counsel. In order for these settlement discussions to be meaningful, counsel for the parties and their counsel must realistically assess their settlement positions and litigations risks, and work with the Magistrate Judge in good faith to determine whether a settlement can be achieved. Unrealistic assessments, including posturing, will be of no value and should be avoided.

The Court may schedule additional settlement conferences, as appropriate, to assist in resolving this matter.

Dated: 3/7/2017

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 ECF-registered counsel of record via email. Distribution to all remaining counsel of record to be made by Plaintiffs' Lead Counsel.