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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18
19 IN RE: ANGIODYNAMICS, INC., AND
20 NAVILYST MEDICAL, INC., PORT
CATHETER PRODUCTS LIABILITY
21 LITIGATION

Case No. 3:24-md-03125-JO-VET
Assigned for All Purposes to
Hon. Jinsook Ohta and U.S. Magistrate
Valerie E. Torres

22 **JOINT BELLWETHER PROPOSED**
23 **CASE MANAGEMENT ORDER**

24 DATE: October 2, 2025
25 TIME: 10:30 AM
26 CTRM.: Via Videoconference
27
28

BELLWETHER STATUS REPORT

The Parties hereby submit their [Proposed] Bellwether Case Management Order for the selection of bellwether plaintiffs, attached as Exhibit “A”.

Accordingly, the Parties respectfully submit Exhibit “A” for the Court’s consideration.

Dated: October 1, 2025

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: ANGIODYNAMICS, INC.,
AND NAVILYST MEDICAL, INC.,
PORT CATHETER PRODUCTS LIABILITY
LITIGATION

Case No. 3:24-md-03125-JO-VET

**[PROPOSED] CASE MANAGEMENT
ORDER NO.**

CASE MANAGEMENT ORDER NO.
BELLWETHER SELECTION

There are currently 128 cases in this MDL that are not subject to statute of limitations motions.¹ Plaintiffs allege three (3) categories of injury that they intend to litigate in this MDL. Those categories of injuries are infection, fracture, and thrombosis. Pursuant to the Court's Order on September 11, 2025 (Dkt. 371), the proposed Bellwether selection protocol and schedule follows:

I. Bellwether Selection

A. Profile Forms

All Plaintiffs shall complete Plaintiff Profile Forms ("PPF") [in a form to be prepared and submitted by the Parties by **October 17, 2025**, with the intent of providing basic case screening information, and inclusive of relevant medical records already collected by Plaintiffs and authorizations for collection of additional records from third parties] on a rolling basis, with at least the first 70 cases by **December 1, 2025**, and all remaining by **January 12, 2026**, for any case filed prior to **November 15, 2025**, or sixty (60) days after filing for any new case filed thereafter. The PPF shall include executed medical authorizations for any provider identified in the PPF. Plaintiffs are required to provide proprietary/specialized authorizations for any providers requiring such authorizations. If Plaintiffs fail to provide proprietary

¹ There are currently 246 cases in total in this MDL. As statute of limitations ("SOL") motions are currently pending, cases subject to those motions are not included in this CMO at this time. However, if the Court does not dismiss those cases on the pending motions, such cases shall become subject to the requirements of this CMO and Plaintiffs shall provide their PPFs and records authorizations within 30 days of the Court's order on the SOL motions.

1 authorizations required by providers, they must do so within fourteen (14) days of being
2 notified by Defendants' counsel that such an authorization is necessary.

3 Defendants shall complete Defendant Profile Forms [in a form to be prepared and
4 submitted by the Parties by **October 24, 2025**, with the intent providing basic case screening
5 information] no later than forty-five (45) days after Plaintiffs serve their PPF.

6 The Parties shall meet and confer on a process for addressing missing or deficient
7 Profile Forms and shall submit a proposed order (and competing orders if agreement is not
8 met) for handling deficiencies by **November 3, 2025**.

9 B. The Initial Pool

10 On or before **February 6, 2026**, the Parties shall meet and confer regarding the
11 distribution amongst the cases regarding alleged injuries (infection, fracture, thrombosis) to
12 determine the composition within the group of cases for which a PPF has been executed, as
13 the Parties agree that the bellwether pool shall be representative of this distribution. By **March**
14 **2, 2026**, the Parties will file a statement regarding the agreed-upon distribution for bellwether
15 selection or their respective positions should they not agree.

16 On or before **June 5, 2026**, the Parties each shall simultaneously identify nine (9)
17 Representative Plaintiff candidates for the Initial Pool, for a total of eighteen (18) cases to be
18 worked up for case-specific discovery.

19 Should Plaintiffs and Defendants select the same cases among their nine (9) cases, thus
20 resulting in a total pool of fewer than eighteen (18) cases, provided the total number in the pool
21 is sixteen (16) or more cases, those cases shall compromise the first full Initial Pool. Should
22 the total pool fall to fifteen or fewer cases, then the Parties will have an equal number of
23 additional picks necessary to bring the total pool to more than fifteen cases, with Plaintiffs
24 making the first additional case selection, and the Parties then alternating selections, until the
25 pool of cases totals between 16 and 18 cases.

26 Pre-selection preliminary fact discovery at this stage shall include the following: (1) a
27 Plaintiff Fact Sheet ("PFS") with authorizations for any additional provider identified in a PFS
28 not identified in the PPF; (2) depositions of Plaintiff, their spouse (as applicable), any
physician whose treatment was/is related to the Plaintiff's use of the Device and/or alleged

1 injuries therefrom, and Plaintiff's primary care providers from two years prior to use of the
2 Device until the present. The Parties will work together to draft a PFS and Defendant Fact
3 Sheet ("DFS) by **May 15, 2026**. All Plaintiffs in the Initial Pool shall serve a Plaintiff Fact
4 Sheet on or before **July 15, 2026**. Defendants shall then produce the DFS for each case by
5 **September 1, 2026**.

6 If Defendants wish to obtain records from a source that was not identified in the PPF
7 or PFS, Defendants shall provide Plaintiffs' counsel with an authorization for those records.
8 Plaintiffs' counsel shall provide the completed authorization within 14 days of receipt. If
9 Plaintiffs' counsel objects to Defendants' request, the Parties shall meet and confer within five
10 (5) business days in an attempt to resolve the objection. If counsel are unable to resolve the
11 objection after a meet-and-confer has been had over an objection, Defendants may file a motion
12 to compel.

13 The parties will meet and confer and submit a proposal to the Court by **May 15, 2026**
14 related to fact discovery. This proposal will include a process for handling disputes regarding
15 pre-selection preliminary fact discovery. The submission will also include a proposal for
16 logistics related to depositions, including but not limited to location, timing, and procedure of
17 Plaintiff/spouse depositions, and issues related to depositions of medical providers, including
18 but not limited to contacting medical providers, deposition costs, and providing records to
19 providers prior to deposition. It will also include a proposal for handling additional case-
20 specific discovery requested by Defendants including written discovery and document
21 discovery under the Federal Rules (not addressed in the PPF or PFS) and/or additional case-
22 specific depositions Defendants believe are pertinent to the process for selecting bellwether
23 Plaintiffs. Pre-selection preliminary Fact Discovery for the Initial Pool will end on **November**
24 **20, 2026**.

25 C. Bellwether Selection

26 On or before **December 11, 2026**, the Parties each shall make a simultaneous exchange
27 of lists identifying four (4) cases each from the Initial Pool for the Bellwether Pool, for a total
28 of eight (8) cases. The Parties' four (4) cases should be proportionate to the composition of the
full inventory of cases as identified by the Parties in March 2026, so the Parties will file an

1 updated CMO for the bellwether cases to be worked up in expert discovery thereafter to clarify
2 the numbers to be included for each injury. Should Plaintiffs and Defendants select the same
3 cases among their four (4) cases, thus resulting in a total pool of fewer than eight (8) cases, the
4 Parties will both identify an equal number of additional Plaintiffs from the Initial Pool to bring
5 the Bellwether Pool to more than seven (7) cases, with Plaintiffs having the first selection, until
6 the total Bellwether Pool is eight (8) to nine (9) cases. The Parties will identify the cases in the
7 Bellwether Pool to the Court in one filing. The Court will review the Bellwether Pool Plaintiffs
8 selected by the Parties to ensure that they represent a sample of the cases currently pending in
9 this MDL and are consistent with the guidelines set by the Court. The Court will issue an order
10 identifying the Bellwether Pool Plaintiffs.

11 For each Plaintiff in the Bellwether Pool who voluntarily dismisses his or her case with
12 prejudice, Defendants may at their option, within 14 days of execution of a stipulation of
13 dismissal or of the Court's order of dismissal, select a substitute Plaintiff from the Initial Pool
14 alleging the same type of injury to be included in the Bellwether Pool. To the extent a Plaintiff
15 in the Bellwether Pool is permitted to voluntarily dismiss without prejudice, Defendants may
16 select a substitute Plaintiff from the Initial Pool alleging the same type of injury to be included
17 in the Bellwether Pool.

18 II. **Bellwether Discovery**

19 A. Bellwether Pool Fact Discovery

20 By **December 21, 2026**, the Parties shall meet and confer to prepare a plan and schedule
21 for proposed further case-specific fact discovery of bellwether pool cases, potentially including
22 but not limited to written discovery, additional depositions, independent medical examinations,
23 and/or further document collection, and submit their joint proposed plan to the Court no later
24 than **January 7, 2027**. Should the Parties not agree, they may submit competing plans. The
25 parties may propose deferring damages or other case-specific fact discovery until after expert
26 discovery and motion practice, if appropriate.

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2 B. Bellwether Pool Expert Discovery
3 Plaintiffs shall provide full and complete expert disclosures as required by no later than
4 **February 26, 2027.**

5 Defendants shall provide full and complete expert disclosures as required by no later
6 than **April 30, 2027.**

7 Expert depositions shall be completed no later than **June 18, 2027.**

8 C. Bellwether Rule 702 and Summary Judgment Motions
9 Rule 702 Motions and Summary Judgment Motions shall be filed by **August 30, 2027.**
10 Any oppositions shall be filed by **October 14, 2027.** Any replies shall be filed by
11 **November 12, 2027.**

12 The Court shall schedule motion hearing dates at a later time.

13 D. Trial Selection

14 The Bellwether Pool cases shall be set for individual trials. The presumptive sequence
15 of trials shall be alternating picks, such that no side has two selections tried consecutively.

16
17 Respectfully submitted,
18 Dated: October 1, 2025

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