

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Civil

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Christopher McCauley,

Court File No.: 27-CV-21-14780

Plaintiff,

v.

**Case Management Order No. 1**

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Michael Deleon,

Court File No.: 27-CV-21-14781

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Glennon Bertel,

Court File No.: 27-CV-21-14783

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Carlos Tyree,

Court File No.: 27-CV-21-14785

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Monica Kimbrough,

Court File No.: 27-CV-21-15010

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Jason Eatmon,

Court File No.: 27-CV-21-15012

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Tracie Day,

Court File No.: 27-CV-21-15013

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Nicholas Perri,

Court File No.: 27-CV-21-15044

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Mary Ackley, et al.,

Court File No.: 27-CV-21-15065

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Glen Armstrong, et al.,

Court File No.: 27-CV-21-15067

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Todd Auge,

Court File No.: 27-CV-21-15081

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Jeff Casey,

Court File No.: 27-CV-21-15083

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Teresa Greene,

Court File No.: 27-CV-21-15085

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Charles Johnson,

Court File No.: 27-CV-21-15086

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Zane Krizman,

Court File No.: 27-CV-21-15087

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Robert Leonard,

Court File No.: 27-CV-21-15089

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Mark Lyngen,

Court File No.: 27-CV-21-15090

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Teresa Miller,

Court File No.: 27-CV-21-15092

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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James Cluphf,

Court File No.: 27-CV-21-15095

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Robert Schaible,

Court File No.: 27-CV-21-15096

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Robert Crespo,

Court File No.: 27-CV-21-15097

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Darlene Hamilton Young,

Court File No.: 27-CV-21-15102

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Clara Moses,

Court File No.: 27-CV-21-15103

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Mary Salter,

Court File No.: 27-CV-21-15105

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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James Maxey,

Court File No.: 27-CV-21-15107

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Michael Service,

Court File No.: 27-CV-21-15108

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Mary Kookan,

Court File No.: 27-CV-21-15109

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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Florence Avery, et al.,

Court File No.: 27-CV-21-15112

Plaintiff,

v.

MEDTRONIC, INC.; MEDTRONIC plc ;  
COVIDIEN LP f/k/a TYCO HEALTHCARE  
GROUP LP; COVIDIEN HOLDING INC. f/k/a  
COVIDIEN, INC.; COVIDIEN SALES LLC;  
and SOFRADIM PRODUCTION,

Defendants.

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## INTRODUCTION

On January 20, 2022, the Hon. Susan M. Robiner entered the 4<sup>th</sup> Amended Order (“Order”), companioning the above-referenced cases pursuant to Rule 113.02 of the Minnesota General rules of Practice. This Order provides “the aforementioned cases, together with any additional cases now pending, brought in the future, or remanded from another court that involve the same Defendants and subject matter, are hereby REASSIGNED and COMPANIONED before the Honorable James Moore.”

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Court File No. 27-CV-21-14780, the first filed case, is hereby designated the “Master File” for the purpose of common case management activities in the companion cases. This includes all cases involving the same subject matter that have been, or will be, commenced in Hennepin County District Court.

2. The caption of Court File No. 27-CV-21-14780 is amended to read:

**In Re: Covidien Hernia Mesh Litigation**

3. The caption of any document filed in the master file will read as follows:

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

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**IN RE COVIDIEN HERNIA MESH  
LITIGATION**

Court File No. 27-CV-21-14780

The Hon. James Moore

This Document Relates to

[either All Actions or subset of actions]

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4. When any new case involving a plaintiff(s) against Defendants relating to the same subject matter is filed, court administration will open a new case file (the “individual case file”). The case will then be related to the master file 27-CV-21-14780.

- a. If opened by a new plaintiff(s), the new plaintiff(s) must pay the applicable filing fee. The case will then be related to the master file 27-CV-21-14780.
- b. If Defendants submit a first filing (e.g. an Answer, a Notice of Removal, etc.) in any case previously opened by a plaintiff(s), that document should also be

filed into the individual case file created by court administration and Defendants must pay any applicable filing fee at that time.

- c. If the Defendants are the first to file a new case and a plaintiff(s) submits a first filing (Summons, Complaint, Civil Cover Sheet, etc.), plaintiff(s) must file into the individual case file and pay any applicable filing fee at that time.

5. For new filings, all subsequent orders, motions, and other documents that relate to a single case should continue to be filed in the individual cases. Documents relating to multiple actions should be filed in the master file.

6. By entry of this Order, this case becomes a “Coordinated Action” as used herein. All Covidien hernia mesh products liability cases currently pending in this Court and all future cases filed and/or transferred to this Court shall be included in the Coordinated Action and all parties shall use the above-referenced case caption for any filings. Pro hac vice motions may be filed in this Coordinated Action and shall apply to all related actions. An individual attorney whose admission pro hac vice is reflected in this Coordinated Action need not file a pro hac vice motion in each individual case. However, plaintiff’s counsel shall file an appearance in each individual case in which they represent a party. Hennepin County District Court is an electronic court and all filings shall be submitted electronically unless otherwise ordered by this Court. Pursuant to Minn. Gen. R. Prac. 14.01(b) and 14.03(d), attorneys are required to use the eFile and Serve System (“eFS”) for electronic filing and service. All attorneys representing a party in the above-captioned matter are required to immediately add themselves for electronic service in this case. **Only one email address per party should be added from your “Firm’s Service Contacts”. If additional attorneys and administrative staff wish to receive service this may be accomplished using the “Administrative Copy” field within the eFS System, or the “Other**

**Service Contacts” options.** Adding multiple service contacts to an individual party or parties impacts case processing and access to the public record. For more information regarding signing up for the electronic case service list refer to the Registered User Filing Guide located at [www.mncourts.gov/efile](http://www.mncourts.gov/efile) and from the eFS Support Center: telephone 612-902-9585 (metro) or 1-844-918-1724.

7. All documents requiring the Court’s attention shall be e-filed and also emailed to **4thJudgeMooreStaff@courts.state.mn.us**. Proposed orders, findings of fact, and conclusions of law shall be emailed to chambers in an editable Word format.

**Organization of Counsel**

8. The following attorneys shall be appointed as Plaintiffs’ Co-Lead Counsel:

Yvonne M. Flaherty

Brian Franciskato

**Preservation**

9. Each party shall preserve all documents and other records, including electronic information, containing information relevant to the subject matter of this litigation. Each party shall also preserve any relevant physical evidence and shall not conduct any testing that alters the physical evidence without notifying opposing counsel and, unless counsel stipulate to the test, without obtaining the Court's permission to conduct the test.

**Master Complaint and Service of Process**

10. Plaintiffs should file a single master complaint for all hernia mesh products at issue in the litigation.

11. Plaintiffs shall file the master complaint no later than **30 days from the date of CMO 1.**

12. The Parties shall meet and confer on the deadline to initiate service on foreign Defendants and if the Parties cannot agree on such deadline, the Parties shall submit proposals to the Court no later than 20 days after the master complaint is filed. Plaintiffs shall complete service on the domestic Defendants who have not yet been served no later than 30 days after Plaintiff file the master complaint.

13. Each plaintiff shall file a Notice to Conform to the master complaint. The parties shall meet and confer on a form Notice to Conform and a deadline for each plaintiff to file said Notice to Conform and shall submit a joint or competing proposals to the Court by **October 28, 2022**.

14. Each plaintiff shall file their Notice to Conform on or before **October 20, 2022**, or within 30 days of the Court's Order adopting the Notice to Conform, whichever is later.

15. By **October 28, 2022**, the Parties shall submit to the Court a briefing schedule for responsive pleading(s), including possible motion(s) to dismiss, to the master complaint.

#### **Protective Order**

16. The Parties shall meet and confer and propose a Protective Order to the Court no later than **October 28, 2022**. To the extent the Parties have disputes regarding the specific provisions of the Protective Order, the Parties shall identify the competing provisions in the **October 28, 2022** submission.

#### **ESI Protocol**

17. The Parties shall meet and confer and propose an ESI protocol to the Court no later than **October 28, 2022**. To the extent the parties have disputes regarding the specific provisions of the Protective Order, the Parties shall identify the competing provisions in the **October 28, 2022** submission.

**Discovery Plan**

18. The Parties shall meet and confer regarding a Discovery Plan consistent with Minn.R.Civ.P. 26.06 and submit a proposal to the Court no later than **October 28, 2022**.

SO ORDERED this 4th day of October, 2022

BY THE COURT:

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James A. Moore  
Judge of District Court