

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard Implanted Port Catheter
Products Liability Litigation

MDL No. 3081

CASE MANAGEMENT ORDER NO. 40
(Twenty-First Case Management Conference)
(Applies to All Actions)

The Court held a Twenty-First Case Management Conference with the parties on October 30, 2025. *See* Doc. 5389. This order reflects matters discussed and decided during the conference.

1. The Court will hold a Twenty-Second Case Management Conference on **December 4, 2025 at 10:00 a.m.** Arizona time. The conference will be held by Zoom. By close of business on **December 2, 2025**, the parties shall file a joint memorandum.

2. Plaintiff Jacqueline Finner, 25-cv-02328, served an incomplete Plaintiff Profile Form (“PPF”) and did not respond to Defendants’ deficiency letter. *See* Doc. 5788 at 6-8. Her counsel has indicated that they intend to move to withdraw. *See id.* at 6. The Court will not permit counsel to withdraw at this time. By **December 1, 2025**, Plaintiff Finner’s current counsel shall serve a complete PPF or Plaintiff Finner shall obtain new counsel to represent her. Failure to comply with this order will result in the dismissal of Plaintiff Finner’s case without prejudice.

1 3. Counsel for the following Plaintiffs have indicated that they intend to dismiss
2 the cases: Jennifer Jeffrey, 25-cv-02931; Anna Melton (PR Marilyn Fincher), 25-cv-02932;
3 Rhonda Stout, 25-cv-02934; Helen Beath (PR Marlan Bonin), 25-cv-02206; Laurie Bryant,
4 25-cv-02057; and Leila Stinson, 25-cv-02353. *See id.* at 6-9. The notices of dismissal in
5 these cases shall be filed by **December 1, 2025**, or the Court will dismiss the cases without
6 prejudice.

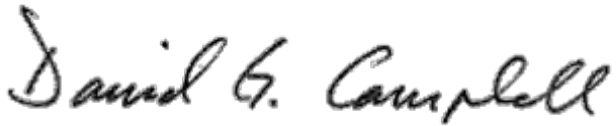
7 4. Plaintiffs have identified multiple cases in which Defendants have not
8 provided sales representative information in Defendant Profile Forms. Defendants explain
9 they cannot obtain the information due to the passage of time. *Id.* at 14-16. The parties
10 agree that Defendants may submit to Plaintiffs a single verified interrogatory answer under
11 Federal Rule of Civil Procedure 33(b)(3) stating, under oath, that after a diligent search
12 Defendants have been unable to locate records of sales representatives prior to 2012 for the
13 specific cases at issue. The parties shall meet and confer on the specific form of the
14 interrogatory answer, and the verification shall comply with the Court's most recent order
15 on this issue. *See* CMO 39, Doc. 5219 ¶ 5.

16 5. The trial preservation deposition of Plaintiff Kimberly Divelbliss, 23-cv-
17 01627, shall be taken by **November 14, 2025**.

18 6. By **November 13, 2025**, the parties shall submit to the Court the motions
19 chart discussed during the conference.

20 7. The Court will provide the parties with samples of juror questionnaires used
21 in past cases. The parties shall begin consultation on a form of juror questionnaire for the
22 bellwether trials and shall provide a status report on their efforts at the next Case
23 Management Conference.

24 Dated this 30th day of October, 2025.

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27 David G. Campbell
28 Senior United States District Judge