

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: DAVOL, INC./C.R. BARD,  
INC., POLYPROPYLENE HERNIA  
MESH PRODUCTS LIABILITY  
LITIGATION

Case No.: 2:18-md-2846

JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Kimberly A. Jolson

This document relates to:  
ALL ACTIONS.

CASE MANAGEMENT ORDER NO. 22

DEPOSITION CONDUCT, TIME LIMITS, AND LOCATION

Given the unique and advanced nature of this litigation, including the fact that many depositions have already been taken, as well as the fact that the first MDL bellwether trial is set for less than six months from today, this Case Management Order relates to the conduct, and time limits for all depositions taken in this MDL by any party from the date of this order forward:

A. Deposition Conduct

The Federal Rules of Civil procedure shall control all aspects of depositions and deposition conduct in these cases. A lawyer shall treat other counsel and deposition participants, including the deponent, with courtesy, civility, and respect and should not engage in conduct that would be inappropriate in the presence of a judicial officer. This is directed to lawyers examining witnesses and lawyers defending depositions. Such inappropriate conduct includes, but is not limited to the following:

1. The examining lawyer shall avoid repetitive or argumentative questions or those asked solely for purposes of harassment. When an examining lawyer feels that his or her question

has not been answered responsively by the witness, the lawyer may reasonably follow up on that line of questions that the lawyer believes in good faith have not been answered by the witness.

2. No lawyer shall make knowingly false or misleading statements during the questioning of a deponent or defending the deponent.

3. Any objections must be stated concisely and in a nonargumentative and nonsuggestive manner.

4. “Speaking objections” are not permitted although the basis of objections to the form of the question may be stated.

5. A lawyer should refrain from self-serving speeches during depositions.

6. A lawyer should not engage in any conduct during a deposition that would not be allowed in the presence of a judicial officer.

7. All lawyers attending the deposition shall refrain from, among other things, interrupting either counsel or the witness, commenting on opposing counsel, and raising their voice unnecessarily.

All lawyers and parties are required to abide by the Statement on Civility as detailed in the United States District Court Southern District of Ohio Local Rules. If a lawyer violates any of the above and acts in a manner that is inconsistent with this Order, the Federal Rules of Civil Procedure, or the Local Rules, then the Court may impose an appropriate sanction, including a fine or withdrawal of a lawyer’s *pro hac vice* status.

**B. Duration of a Deposition**

Unless otherwise stipulated or ordered by the Court, a deposition is limited to 7 hours on the record by the examining lawyer for the noticing party. After the examining lawyer for the noticing party is finished with his or her questioning, a lawyer for the party that did not notice the

deposition may ask additional questions. Should any questioning by the lawyer for the non-noticing party occur, the original examining lawyer shall be entitled to ask additional questions for a reasonable amount of time and consistent with the Federal Rules of Civil Procedure. The parties shall attempt to finish the deposition in 1 day, subject to witness's own burden and preference. Nothing herein shall prevent any party from seeking leave of the Court for additional time for a deposition, or to limit or terminate a deposition, consistent with Federal Rule of Civil Procedure 30.

**C. Deposition Location**

Reasonable efforts should be made to conduct the deposition at a location chosen by the deponent or the deponent's counsel, so long as the choice does not impose a hardship on counsel for the examining party.

**IT IS SO ORDERED.**

12-4-2019  
DATE

  
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EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE

12/4/2019  
DATE

  
\_\_\_\_\_  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE