**ATTACHMENT B**

**NOTICE TO PRESERVE PATHOLOGY MATERIALS**

Date

FACILITY

ATTN: Department of Surgery and Pathology

Address

**Re: [Case Caption]**

Patient: \_\_\_\_\_\_\_\_\_\_\_\_

Date of Surgery: [Date of Anticipated Explant]

Dear Department of Surgery and Pathology:

I represent the Plaintiff, \_\_\_\_\_\_\_\_\_\_\_\_\_, and Michael Brown, Esq. and Eric Alexander, Esq. of Reed Smith, copied below, represent the Defendants, Davol Inc. and C.R. Bard, Inc. (collectively “Bard”), in the above-referenced lawsuit. We have been informed that [PLAINTIFF FIRST, MIDDLE, LAST NAME]'s surgery is scheduled for [date], to be performed by Dr. [Explant Surgeon]. There is no litigation pending against your facility or the treating physician in this matter. The pathology and any remaining explanted mesh material is important evidence in pending litigation against Bard and preservation of these items is critical. I write to request the following:

* **Please follow the pathology procedures your facility uses in the ordinary course of business**. Once you have completed your normal pathology procedures, we request that any pathology, paraffin blocks, and/or pathology slides, as well as any tissues and/or the explanted mesh obtained during [PLAINTIFF FIRST, MIDDLE, LAST NAME]'s upcoming surgery, should be preserved by using your standard operating procedures for preserving pathology and explant materials. The only exception is if your policies or procedures contemplate discarding any of the materials, in which we would request that you not discard any materials. Remaining gross specimens containing mesh and/or tissue should be placed in a container of dilute formalin (10% is standard). All pathology described above should be handled in accordance with the following procedures:
  + If your standard method of preserving pathology, histology slides, and/or explant materials contemplates that you preserve these materials for a period that spans at least 10 years from the date of this letter, then you need do nothing further than continue to preserve these materials and DO NOT DISCARD THEM, unless instructions are provided, which will be sent separately.
  + If any specimen, histology slide, or explant material is available and, pursuant to your protocols, is due to be destroyed within less than 10 years from the date of this letter, the parties further request that you immediately contact our pathology specimen storage facility representative to arrange for the shipment and storage of these materials. Contact information is as follows: Kate Grayson

Steelgate, Inc.,

2307 58th Avenue East

Bradenton, Florida 34203

kate@steelgateinc.com

(941) 758-1122 or (866) 647-8335

To facilitate this request, enclosed please find a HIPAA-compliant authorization signed by the above-referenced Plaintiff for the release of the pathology and explant specimens to Steelgate as instructed above.

**Instructions for Reimbursement for Costs Incurred:** For reimbursement of costs incurred in the collection, preservation, and shipping of the specimens, please submit an itemized invoice to:

[Plaintiff’s Counsel’s Information]

Should you have any questions or concerns regarding this matter, please contact us by email directed to representatives of both parties: [counsel for Plaintiff] and Eric Alexander, Esq., ealexander@reedsmith.com (counsel for Bard) as well as Kate Grayson, kate@steelgateinc.com.

If you are not the appropriate recipient of this request, please notify and forward a copy of this letter to the appropriate person or entity responsible for ensuring compliance with the terms of this request at your earliest convenience. Thank you very much for your assistance

ENCLOSURE: as stated

Cc: Michael Brown, Esq. and Eric Alexander, Esq. (FederalBardService@ReedSmith.com)

Kate Grayson (kate@steelgateinc.com)