

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| IN RE: FRESENIUS GRANUFLO/ |) | |
| NATURALYTE DIALYSATE PRODUCTS |) | |
| LIABILITY LITIGATION |) | MDL No. 13-02428-DPW |
| _____ |) | |

MEMORANDUM REGARDING CASE MANAGEMENT ORDER
NO. 17 (LONE PINE ORDER)
 March 9, 2017

With the March 29, 2017 deadline for submissions pursuant to the *Lone Pine Order* embodied in Case Management Order No. 17 (Dkt. No. 1825) a few weeks away, I deem it advisable in light of various submissions to restate and emphasize the obvious:

Counsel of record in cases which have not opted-in to the pending settlement¹ are obligated both to their clients and to the Court to comply with Case Management Order No. 17. A failure to do so in any of the cases for which they are engaged will result in a dismissal.

I have noted, for example, that in a relatively limited number of cases certain counsel for plaintiffs – who I am

¹ The only exception is a case in which one of the parties is the State of Louisiana sovereign, *Louisiana, et al v. Fresenius*, Civ. No. 16-11035-DPW. In that case, I am, simultaneously with the docketing of this Memorandum, allowing a motion (Dkt. No. 76) to stay the deadline set forth in Case Management Order No. 17.

informed have chosen not to enter into the global settlement – have advised the court that they will not be filing a response to the order. Certain other counsel have sought unsuccessfully to withdraw as counsel without substitute counsel filing a notice of appearance.

Whatever may be the state of the relationship between such counsel and their clients, counsel of record have the obligation to comply with Case Management Order No. 17. In this connection, it is immaterial, for example, whether counsel have lost touch with their clients or disagree with their clients about the prudence of settlement. Those are matters regarding the quality and substance of legal services and advice provided by counsel for their clients. If there is a deficiency in the legal services rendered, or advice provided, that may be addressed separately in another setting or forum.

For present purposes, however, there can be no misunderstanding that failure to comply with Case Management Order No. 17 is by terms grounds without more for “dismissal of a delinquent Plaintiff’s action with prejudice,” (Dkt. No. 1825, at 7 para. 4), as well as separately evidencing want of prosecution constituting independent grounds for such dismissal.

/s/ Douglas P. Woodlock
DOUGLAS P. WOODLOCK
UNITED STATES DISTRICT JUDGE