

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
BENTON DIVISION**

MATTHEW HUFF,)	
)	CIVIL ACTION NO.
Plaintiff,)	3:16-cv-00368-JPG-PMF
)	
v.)	
)	
ETHICON, INC.,)	
)	
Defendant.)	

JOINT MOTION FOR REASSIGNMENT OF CASE TO TRACK C

COMES NOW Plaintiff Matthew Huff, and Defendant Ethicon, Inc. (collectively “the parties”), by and through their respective counsel, and hereby move the Court for reassignment of the present case to Track C, pursuant to Local Rule 16.1. In support of their motion, the parties state the following:

1. This case is a products liability case, in which the Plaintiff alleges personal injury resulted from the implantation of hernia mesh in Mr. Huff in 2013.
2. On July 12, 2016, this case was assigned to Track B, and a presumptive trial date was issued for July 31, 2017. *See* Doc. No. 21. Track B allows for 11-14 months to be trial ready.
3. Pursuant to Local Rule 16.1(a), “complex issue cases including products liability” are considered Track C cases. *See* Rule 16.1(a). Track C allows for 15-18 months to be trial ready.
4. The parties agree that Track C is the more appropriate track, and that 18 months is necessary for the complex issues in this case.

5. On August 2, 2016, the parties met and agreed on a proposed schedule that would fall within Track C, with a proposed trial date of January 22, 2018. A copy of the proposed scheduling order is attached to this motion as Exhibit A.

6. This proposed scheduling order would add only six additional months to the current track B schedule, and would allow the parties to better prepare this complex case.

WHEREFORE, for the foregoing reasons, the parties respectfully request that this case be reassigned to Track C, with a trial setting in late January 2018 or thereafter.

Dated: August 15, 2016

Respectfully submitted,

By: Bettina J. Strauss

Bettina J. Strauss, Illinois # 6220600
BRYAN CAVE LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102-2750
Telephone: (314) 259-2000
Facsimile: (314) 259-2020
E-Mail: bjstrauss@bryancave.com

Attorneys for Defendant Ethicon, Inc.

/s/ Matthew H. Caraway

Matthew H. Caraway, Illinois # 6298287
SAM C. MITCHELL AND ASSOCIATES
P. O. Box 280
West Frankfort, IL 62896
Telephone (618) 932-2772
Facsimile: (618) 932-3456
mcaraway@scmitchell.com

Blake C. Erskine
ERSKINE & MCMAHON, LLP
Texas Bar No. 06649000
P.O. Box 3485
Longview, Texas 75606

Telephone: (903) 757-8435
Facsimile: (903) 757-9429
E-Mail: blakee@erskine-mcmahon.com
Admitted Pro Hac Vice

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of August, 2016, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send such notification to all counsel of record.

/s/ Bettina J. Strauss

Bettina J. Strauss