

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

**In re KUGEL MESH HERNIA PATCH §
PRODUCTS LIABILITY LITIGATION §**

THIS DOCUMENT RELATES TO: §
Keanna Frasier v. Davol, Inc. et al: § '
No. 10-03079 §

MDL Docket No. 07-1842-ML
JUDGE LISI

MOTION TO WITHDRAW AS COUNSEL

COME NOW W. Lewis Garrison, Jr., William L. Bross, Gayle L. Douglas, Christopher B. Hood, and Brandy L. Robertson, of the law firm Heninger Garrison Davis LLC, to file this Motion to Withdraw as counsel for Plaintiff Keanna Frasier, and as basis for said Motion, would respectfully show to this Court as follows:

1. Plaintiff Keanna Frasier is an individual who sued Defendants for injuries and damages incurred as a result of his use of the Kugel Mesh Patch.

2. Defendant Davol, Inc. ("Davol") is a corporation that is incorporated under the laws of the State of Rhode Island. Davol has its principal place of business in the State of Rhode Island. Davol has appeared and answered herein and is represented by Mr. Mark T. Nugent and Mr. Thomas M. Robinson, Morrison Mahoney, LLP, 10 Weybosset Street, Suite 900, Providence, RI 02903; and Mr. John P. Hooper and Mr. Michael K. Brown, Reed Smith LLP, 599 Lexington Avenue, New York, NY 10022.

3. Defendant C.R. Bard, Inc. ("Bard") is a corporation that is incorporated under the laws of the State of New Jersey. It is the corporate parent/stockholder of Davol. Bard at all times relevant, did substantial and continuous business in the State of Rhode Island. Bard has appeared and answered herein and is represented by Mr. Mark T. Nugent and Mr. Thomas M. Robinson,

Morrison Mahoney, LLP, 10 Weybosset Street, Suite 900, Providence, RI 02903; and Mr. John P. Hooper and Mr. Michael K. Brown, Reed Smith LLP, 599 Lexington Avenue, New York, NY 10022.

4. At the present, this case is not set for trial.

5. There is good cause for this Court to grant this Motion to Withdraw as Counsel. Plaintiff and Attorneys have reached an impasse on how to continue with this case. In 2012, after negotiations and discussions with Defendants, an agreement was made to resolve this case, along with a number of others of Plaintiff's Firm. Plaintiff's Firm believed the offer was a fair and adequate offer based on multiple factors related to this case, and other similar cases.

6. Prior to a final settlement to resolve this case and others, Plaintiff's Counsel had provided correspondence to Plaintiff in July and August of 2012 concerning the status of ongoing meetings with Defendants and the reasoning behind a settlement to this case. Plaintiff voiced no concern to Counsel.

7. The Settlement offer and package was mailed to Plaintiff in October of 2012. The Plaintiff was classified as a Category 5 Case, as defined by this Court's May 22, 2012 Order. This case was not a ring break, buckle or fold type case.

8. Following this, numerous conversations were held with Plaintiff concerning the settlement and reasoning why Counsel believes this to be a fair and equitable settlement. Plaintiff's Counsel was still hopeful that Plaintiff would be agreeable to settlement and resolution of this case. Plaintiff's Counsel again reached out to discuss with Plaintiff in the past few weeks and now are not able to locate Plaintiff.

9. To date Plaintiff has not agreed to a resolution of this case.

10. Plaintiff's Counsel has resolved almost all other similar cases in this litigation.

11. As reflected on the certificate of service to this Motion, Attorneys have delivered a copy of this Motion at their last known mailing address. By certified letter sent to them at that address, Plaintiff has been notified that they may object to the Motion, and that any failure or delay in retaining substitute counsel may not be considered grounds for delaying the trial or any other matter scheduled in the case.

12. The last known mailing address of the Plaintiff is:

Keanna Frasier
145 Sparks Drive
Round O, SC 29474

13. Attorneys have made a reasonable effort to confirm that notices sent to that address are likely to be received by Plaintiff.

14. This withdrawal is not sought for delay alone. If this motion is granted, the undersigned shall reasonably cooperate with the Plaintiffs to transfer the file to successor counsel upon request.

WHEREFORE, W. Lewis Garrison, Jr., William L. Bross, and Brandy L. Robertson, of the law firm Heninger Garrison Davis LLC, move the Court for an Order discharging them as attorneys for Plaintiff Keanna Frasier, and further relief as the court may deem proper.

Respectfully submitted,

/s/ Donald A. Migliori
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MDL 1842 Plaintiffs' Liaison Counsel

/s/ W. Lewis Garrison, Jr.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I, Donald A. Migliori, hereby certify that a copy of the foregoing Motion to Withdraw as Counsel was electronically filed. Those attorneys who are registered with the Electronic Filing System may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's Electronic Filing System.

I, W. Lewis Garrison, Jr. further certify that a copy of the foregoing Motion to Withdraw as Counsel was served on Plaintiffs, via U. S. mail, postage prepaid and by certified or registered mail, return receipt requested, as follows:

Keanna Frasier
145 Sparks Drive
Round O, SC 29474

Dated: May 23, 2016

/s/ Donald A. Migliori
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MDL 1842 Plaintiffs' Liaison Counsel

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