

Direction

No. 2 of 2016

Personal Injury and/or Product Liability Actions relating to the use of Vaginal Tape & Mesh

I, the Lord President of the Court of Session, under and by virtue of the powers conferred on me by paragraph (2) of rule 2.2 of the Rules of the Court of Session 1994, having consulted the parties to proceedings already raised to which this Direction applies and being of the opinion mentioned in paragraph (1) of that rule, make the following Direction.

1. This Direction applies to those actions for damages arising from the use of vaginal tape or female pelvic mesh to treat stress urinary incontinence and pelvic organ prolapse in which, as at today's date, defences have been lodged.
2. Expressions used in this Direction which are also used in the Rules of the Court of Session 1994 have the same meaning here as they have in those Rules.
3. The provisions of Direction No. 2 of 2015 shall continue to apply in so far as not inconsistent with the provisions of this Direction.
4. Within the period of 6 weeks from the date of this Direction, those acting for the pursuers will produce a note of proposals ('the lead actions proposals') on the matter of the identification of 20 actions, or such greater or lesser number as is considered by them appropriate, as possible lead actions, based on such common significant issues as arise in all the actions in respect of which, by the date of this Direction, defences have been lodged.
5. Said note will be intimated to those acting for the defenders and to the court. Those acting for the defenders will consider whether consensus

may be achieved on the lead actions proposals. In the event of failure to achieve consensus, those acting for the defenders who dissent from the lead actions proposals, to whatever extent, will intimate a note of corresponding positive counter-proposals as to the selection of alternative lead actions. Those acting for the defenders will intimate their position and any counter-proposals to the pursuers and to the court within a period of 3 weeks of the date of intimation to them of the pursuers' note.

6. An informal meeting of those acting for the parties will be held on a date to be fixed not less than 10 weeks from the date of this Direction for discussion before the nominated judge of the lead actions proposals and any counter-proposals.
7. In making any ruling as to the actions to be treated as lead actions or on any related matters, the nominated judge will take into account the proposals and any counter-proposals referred to in paragraphs 4 and 5 above.

**CJM Sutherland
Lord President**

**Edinburgh
28 September 2016**