

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------------------|---|------------------------------|
| IN RE: PHILIPS RECALLED CPAP, BI- |) | Master Docket: Misc. No. 21- |
| LEVEL PAP, AND MECHANICAL |) | 1230 |
| VENTILATOR PRODUCTS |) | |
| LITIGATION |) | MDL No. 3014 |
| |) | |
| This Document Relates to: All Actions |) | |

**SUPERSEDING PRESERVATION ORDER
APPLICABLE TO DEVICES IN POSSESSION OF PLAINTIFFS' LEADERSHIP**

Defendants Philips RS North America LLC f/k/a Respironics, Inc. (“Philips RS”); Koninklijke Philips N.V.; Philips North America LLC; Philips Holding USA, Inc.; and Philips RS North America Holding Corporation (collectively, “Defendants”) and Plaintiffs’ Co-Lead Counsel (collectively, the “Parties”) jointly submit this Superseding Preservation Order Applicable to Devices in Possession of Plaintiffs’ Leadership (the “Order”).

This Order is applicable only to Leadership Devices, as defined below and, as to only those devices, supersedes all Prior Preservation Orders.

This Order does not apply to devices in the possession of Defendants. This Order also does not apply to devices in the possession of any Litigating Plaintiff, as defined in the Docket Management Order for Claims of Litigating Plaintiffs (ECF 2769).

The purpose of this Order is to relieve Plaintiffs’ Leadership of the systematic obligation to preserve devices given the substantial resolution of claims in this MDL.

I. DEFINITIONS

A. **Leadership Devices** refer to those devices that Plaintiffs’ Co-Lead Counsel received under the Prior Preservation Orders, specifically: (1) any new, unused Dreamstation 1 Devices requested by and provided to Plaintiffs’ Co-Lead Counsel under Paragraph 35 of the Amended Preservation Order Applicable to Dreamstation 1 Devices

(ECF 773); (2) any used Dreamstation 1 Devices that were provided to Plaintiffs' Co-Lead Counsel under Paragraph 33 of the Amended Preservation Order Applicable to Dreamstation 1 Devices (ECF 773); (3) any new, unused Other Recalled Devices provided to Plaintiffs' Co-Lead Counsel pursuant to Paragraph 16 of the Preservation Order Applicable to Other Recalled Devices (ECF No. 2533); and (4) any used Other Recalled Devices provided to Plaintiffs' Co-Lead Counsel under Paragraph 15 of the Preservation Order Applicable to Other Recalled Devices (ECF No. 2533).

B. **PI Settlement Program** means the Philips Respironics Personal Injury Settlement Program resulting from the May 9, 2024 Master Settlement Agreement ("MSA").

C. **Prior Preservation Orders** include Pretrial Order #1, ECF No. 4 ¶ 13; Interim Preservation Order, ECF No. 332; Interim Preservation Order (Applicable To Trilogy Devices), ECF No. 578; Am. Preservation Order Applicable to DreamStation 1 Devices, ECF No. 773; and Preservation Order Applicable to Other Recalled Devices, ECF No. 2533.

II. **PLAINTIFFS' LEADERSHIP PRESERVATION OBLIGATIONS SUPERSEDED**

A. A substantial number of the claims that were pending at the time of the Prior Preservation Orders have been dismissed. Additionally, a substantial number of claims have been or are in the process of being resolved through the PI Settlement Program. In light of these events, it is no longer necessary for Plaintiffs' Co-Lead Counsel to continue to preserve devices on the same terms set forth in the Prior Preservation Orders.

B. Additionally, Plaintiffs' Co-Lead Counsel have advised that they were recently notified that the storage facility where the Leadership Devices are stored is closing and the

Leadership Devices must either be destroyed or moved to another facility, the latter of which would incur substantial unnecessary charges in light of the foregoing.

C. Philips RS has confirmed that, to the extent it has a record of serial numbers associated with devices used by current Litigating Plaintiffs, as defined in the Docket Management Order (ECF No. 2769), none of the Leadership Devices are associated with a Litigating Plaintiff.

D. In light of the above, Plaintiffs' Leadership is hereby relieved of any obligation to preserve any Leadership Devices under any Prior Preservation Order. The Prior Preservation Orders otherwise continue in effect until further Order of this Court.

IT IS SO ORDERED.

BY THE COURT:

Dated: January 20, 2026

s/Joy Flowers Conti
Hon. Joy Flowers Conti
Senior United States District Judge

STIPULATED AND AGREED TO this 29th day of December, 2025:

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr., Esquire (PA 54279)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
T 215.963.5000
john.lavelle@morganlewis.com

Wendy West Feinstein, Esquire (PA 86698)
MORGAN, LEWIS & BOCKIUS LLP
One Oxford Center, 32nd Floor
Pittsburgh, PA 15219-6401
T 412.560.3300
wendy.feinstein@morganlewis.com

Lisa C. Dykstra, Esquire (PA 67271)
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street

/s/ Kelly K. Iverson

Kelly K. Iverson, Esquire (PA 307175)
LYNCH CARPENTER, LLP
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 152222
T 412-322-9243
kelly@lcllp.com

/s/ Christopher A. Seeger

Christopher A. Seeger, Esquire (NJ 042631990)
SEEGER WEISS LLP
55 Challenger Road 6th Floor
Ridgefield Park, NJ 07660
T 212-584-0700
cseeger@seegerweiss.com

/s/ Sandra L. Duggan

Sandra L. Duggan, Esquire (PA 56420)

Philadelphia, PA 19103-2921
T 215.963.5000
lisa.dykstra@morganlewis.com

*Counsel for Defendant Philips
RS North America, LLC*

/s/ William B. Monahan

William B. Monahan, Esquire (NY 4229027)
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
T 212-558-7375
monahanw@sullcrom.com

*Counsel for Defendants Koninklijke Philips N.V.,
Philips North America LLC, Philips Holding USA
Inc., and Philips RS North America Holding
Corporation*

LEVIN SEDRAN & BERMAN
510 Walnut Street
Ste 500
Philadelphia, PA 19106
T 215-592-1500
F 215-592-4663
sduggan@lfsblaw.com

/s/ Steven A. Schwartz

Steven A. Schwartz, Esquire (PA 50579)
**Chimicles Schwartz Kriner &
Donaldson-Smith LLP**
361 West Lancaster Avenue
One Haverford Centre
Haverford, PA 19041
T 610-642-8500
steveschwartz@chimicles.com

Plaintiffs' Co-Lead Counsel

/s/ D. Aaron Rihn

D. Aaron Rihn, Esquire (PA 85752)
Robert Peirce & Associates, P.C.
437 Grant Street, Suite 1100
Pittsburgh, PA 15219
T 412-281-7229
F 412-281-4229
arihn@peircelaw.com

/s/ Peter St. Tienne Wolff

Peter St. Tienne Wolff, Esquire (PA 208433)
**Pietragallo Gordon Alfano Bosick & Raspanti,
LLP**
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219
T 412-263-2000
F 412-263-2001
psw@pietragallo.com

Plaintiff's Co-Liaison Counsel