

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

In re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical
Ventilator Products Litigation (Patrick Burke)

Burke · No. Misc. No. 21-1230; Civ. No. 25-514; MDL No. 3014 · Decided March 6, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania denied Patrick Burke’s motion under Federal Rule of Civil Procedure 60(b)(1) and (6) to reopen his Philips CPAP-related personal-injury case. The court held that electronic filing constituted valid service, counsel had a duty to monitor the ECF docket, and the alleged failure to receive intervening notices did not constitute excusable neglect or extraordinary circumstances. The case had previously been dismissed with prejudice for failure to comply with MDL docket-management deadlines.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Joy Flowers Conti
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	March 6, 2026
DOCKET	Misc. No. 21-1230; Civ. No. 25-514; MDL No. 3014
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(1) and (6) to reopen his product-liability case after it had been dismissed with prejudice for failure to comply with MDL docket-management deadlines and a show-cause order. The district court denied the motion.
STANDARD OF REVIEW	Relief under Federal Rule of Civil Procedure 60(b)(1) is evaluated under an equitable totality-of-the-circumstances test incorporating the Pioneer factors. Relief under Rule 60(b)(6) is available only in extraordinary circumstances.
PRECEDENTIAL VALUE	unpublished
PARTIES	Patrick Burke v. Philips RS North America LLC, Koninklijke Philips N.V., Philips North America LLC, Philips Holding USA, Inc., Philips

TOPICS

civil procedure remedies motions to dismiss

PRACTICE AREAS

civil procedure multidistrict litigation electronic filing and service remedies

QUESTIONS PRESENTED

1. Whether Burke was entitled to relief from the dismissal under Federal Rule of Civil Procedure 60(b)(1) based on mistake, inadvertence, surprise, or excusable neglect.
2. Whether Burke was entitled to relief under Federal Rule of Civil Procedure 60(b)(6) based on extraordinary circumstances.
3. Whether electronic filing and transmission of Notices of Electronic Filing constituted valid service despite counsel's asserted failure actually to receive or review the notices.

HOLDINGS

1. Electronic filing through the court's ECF system and transmission of the corresponding Notice of Electronic Filing constituted valid service; the court and opposing counsel were not responsible for ensuring that counsel actually received or reviewed the electronic notices absent an indication that transmission failed.
2. Burke did not establish excusable neglect warranting relief under Rule 60(b)(1).
3. Burke did not demonstrate extraordinary circumstances justifying relief under Rule 60(b)(6).

KEY QUOTATIONS

"In sum, filing an order on the ECF system constitutes valid service."

"It is counsel's responsibility to monitor the docket."

FACTUAL BACKGROUND

Burke's personal-injury action was subject to MDL deadlines requiring litigating plaintiffs to comply with a Docket Management Order. Burke's counsel did not respond to the supplemental order, show-cause order, or motion to dismiss, and the case was dismissed with prejudice. Counsel later asserted that he had not received electronic notices during the intervening eight months, although the notices were sent to his email address, no delivery failures were reported, and an automatic reply confirmed receipt of at least one notice.

PROCEDURAL HISTORY

Burke filed a short-form complaint in the Eastern District of Pennsylvania, and the case was transferred to the Western District of Pennsylvania for coordinated pretrial proceedings in the Philips MDL. After Burke failed to

comply with the Docket Management Order, failed to respond to a show-cause order, and failed to oppose Philips's motion to dismiss, the court dismissed the case with prejudice on January 22, 2026. Burke then moved to reopen, asserting that counsel had not received electronic notices of the relevant filings and orders.

DISPOSITION

other

CASES CITED

- Bryant v. Supt., SCI Fayette, No. 2:21-CV-03075, 2024 WL 4530290, at *1 (E.D. Pa. Oct. 18, 2024)
- Orie v. Dist. Att'y Allegheny Cnty., 946 F.3d 187, 191 (3d Cir. 2019)
- Nara v. Frank, 487 F.3d 187, 194 (3d Cir. 2007)
- Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380 (1993)
- BLOM Bank SAL v. Honickman, 605 U.S. 204, 215 (2025)
- Pezzano v. Liberty Mutual Mid Atlantic Insurance Co., No. CV 22-2151, 2025 WL 2778460 (D.N.J. Sept. 30, 2025)
- Brodie v. Gloucester Twp., 531 F. App'x 234, 237 (3d Cir. 2013)
- Perrigo Institutional Inv. Grp. v. Papa, 150 F.4th 206, 219 (3d Cir. 2025)
- Ragguette v. Premier Wines & Spirits, 691 F.3d 315, 329 (3d Cir. 2012)
- Hall v. Community Mental Health Center, 772 F.2d 42 (3d Cir. 1985)
- In re Glob. Indus. Techs., Inc., 375 B.R. 155, 161 (Bankr. W.D. Pa. 2007)
- In re Vioxx Prods. Liab. Litig., No. MDL 1657, 2006 WL 3759648, at *1 (E.D. La. Dec. 18, 2006)