

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: American Medical Systems, Inc.
Pelvic Repair System Products Liability Litigation

MDL NO.: 2325

THIS DOCUMENT RELATES TO THE FOLLOWING CASES:

Fontes, et al. v. AMS, Inc. 2:12-cv-02472
Serrano v. AMS, Inc., et al. 2:12-cv-03719
Jilovec v. AMS, Inc. 2:12-cv-05561
Weiler v. AMS, Inc. 2:12-cv-05836

**PRETRIAL ORDER # 100
(Order Re: Trial Order of Bellwethers)**

Pursuant to PTO # 87, the parties submitted briefs ranking the order of trial for the four bellwether cases cited above. The trial dates currently are scheduled on April 7, 2014, and May 5, 2014. Plaintiffs propose that the first trial date be devoted to trial of their picks in the following order: *Fontes, Weiler*; with the second trial date devoted to American Medical Systems, Inc. (“AMS”) in the following order: *Serrano, Jilovec*. Plaintiffs assert that because all cases are not currently set for trial, unless the court assigns a plaintiff pick trial date and a defense pick trial date, “there is a very real chance that the consecutive AMS trials could end up as either both Plaintiffs’ picks or both Defense picks, given the potential that some cases may be disposed of prior to trial through motion practice or resolution.” [Docket 993, p. 2.] AMS proposes the following trial order: *Serrano, Jilovec, Fontes and Weiler*.

I have considered the submissions by both parties as well as plaintiffs’ proposal. I reject plaintiffs’ proposal of having a trial date for each side. I find that it would be potentially inefficient in the event, for example, that both of plaintiffs’ picks are resolved

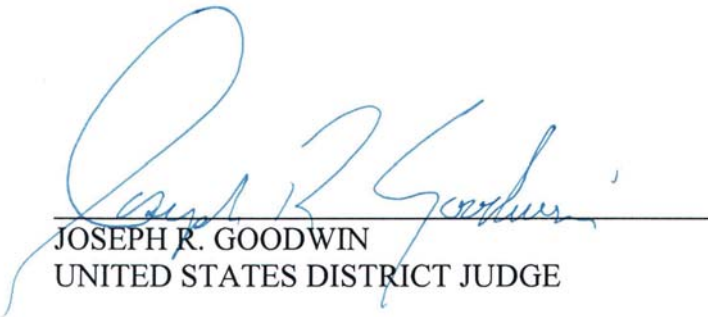
and/or dismissed, leaving an open trial date. Instead, for the trial dates set on April 7, 2014 and May 5, 2014, I will begin trying these cases *seriatim* in the following order:

<i>Serrano v. AMS, Inc., et al.</i>	2:12-cv-03719
<i>Jilovec v. AMS, Inc.</i>	2:12-cv-05561
<i>Weiler v. AMS, Inc.</i>	2:12-cv-05836
<i>Fontes, et al. v. AMS, Inc.</i>	2:12-cv-02472

If *Serrano* has been dismissed or resolved before April 7, 2014, I will move to the next case on the list and so on.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 and in the following member cases: **2:12-cv-03719, 2:12-cv-05561, 2:12-cv-05836 and 2:12-cv-02472** and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-31828. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

Enter: December 12, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE