

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

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEMS
PRODUCT LIABILITY LITIGATION

MDL No. 2325

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER #114
(Emergency Motion for Protective Order)

Pending before the court is the Emergency Motion for Protective Order filed by nonparties, Daniel J. Christensen and MedStar Funding, LC (“Movants”). (ECF No. 1065). Movants seek a protective order staying the deposition of Christensen until resolution by a Texas court of an alleged conflict of interest involving counsel for American Medical Systems, Inc. (“AMS”).¹ Defendant AMS filed its response, (ECF No. 1068), and Movants have filed their reply. (ECF No. 1071). On January 29, 2014, the court heard oral argument on the motion.

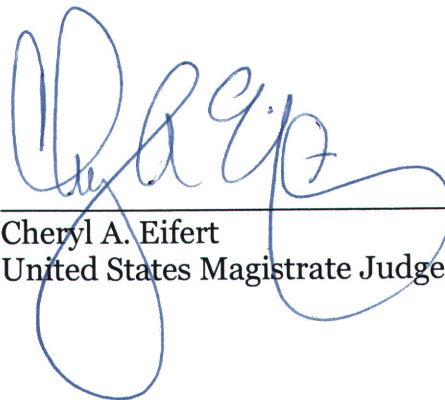
Counsel for Movants represented to the court that the alleged conflict of interest may have resulted in AMS’s counsel receiving confidential and privileged information pertaining to Daniel Christensen and his business enterprises. Movants indicated that a Texas court had scheduled an evidentiary hearing on whether counsel should be disqualified based on the conflict of interest, and this hearing was to begin on January

¹ Mr. Christensen’s deposition was scheduled and cross-noticed by defendants in five multidistrict litigations (“MDL”) involving pelvic mesh products, including AMS, Bard, Boston Scientific Corp., Ethicon, Inc., and Coloplast, Corp. The alleged conflict of interest involves only counsel in the AMS MDL.

29, 2014. Given that the matter of the alleged conflict may be resolved in short order by the Texas court, the undersigned hereby **GRANTS** the Motion for Protective Order as it pertains to AMS. The deposition of Daniel J. Christensen **by AMS** is hereby **STAYED** temporarily until further order of the court. It is further **ORDERED** that counsel for Movants, AMS, and Plaintiffs shall contact the court at some point during the week of February 3, 2014 to provide a status report regarding the proceedings in Texas.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 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 2:14-cv-05572. 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 <http://www.wvsd.uscourts.gov>.

ENTERED: January 30, 2014



Cheryl A. Eifert
United States Magistrate Judge