

**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 # 116

**(Plaintiffs' Emergency Motion to Compel Rule 30(b)(6) Witness and
Defendant's Motion for Protective Order)**

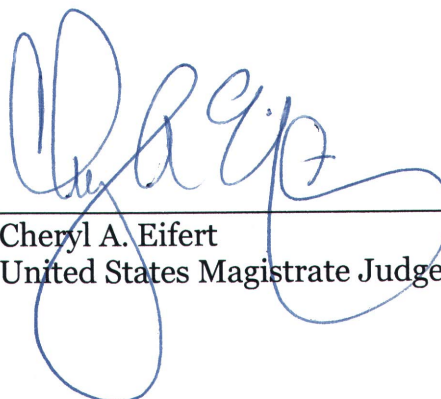
On January 24, 2014, the undersigned heard oral argument on Plaintiffs' Emergency Motion to Compel Defendant American Medical Systems to Produce a Corporate Designee, (ECF No. 1030), and Defendant's Motion for Protective Order, (ECF No. 1059), after having **GRANTED** Plaintiffs' request for an expedited hearing.

After fully considering the arguments of counsel, the court **GRANTED** Plaintiffs' motion to compel American Medical Systems ("AMS") to produce a Rule 30(b)(6) designee to testify regarding the transvaginal mesh product, Elevate. (ECF No. 1030). AMS shall produce the designee(s) for testimony no later than **February 13, 2014**. To the extent that the parties have agreed to allow AMS to designate and adopt certain prior testimony as its corporate position on topics contained in the notice of Rule 30(b)(6) deposition, Plaintiffs shall take reasonable steps to avoid duplicative questions of the corporate designee.

In regard to Defendant's Motion for Protective Order, the court **GRANTS**, in part, and **DENIES**, in part, the motion. (ECF No. 1059). Defendant's motion for a stay of depositions scheduled in February and March 2014 is denied. Defendant's motion to prohibit the taking of a Rule 30(b)(6) regarding the product, Elevate, is also denied. However, Defendant's motion for an order limiting its obligation to produce documents specified in the Rule 30(b)(6) deposition notice is granted. AMS shall only be required to produce at the Rule 30(b)(6) deposition those documents that are requested, **and** have not been previously produced.

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-07378. 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: February 4, 2014



Cheryl A. Eifert
United States Magistrate Judge