

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

CHARLESTON DIVISION

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

MDL No. 2325

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 158
(Third Amended Pretrial Order re: Waiver of Service Provisions for
American Medical Systems, Inc. (PTOs # 21, # 55, and # 142))**

By agreement of the Parties, Paragraph 3 in Pretrial Order # 21 (later amended by PTOs # 55 and # 142), entered by this Court on October 19, 2012, is amended as follows:

1. Subject to the conditions set forth in this Order, American Medical Systems, Inc. (“AMS”) will waive service of process in cases in which it is named and one or more products either manufactured or distributed by AMS is alleged to be at issue.

2. For such cases, Plaintiffs shall send the Short Form Complaint and, if in their possession, a sticker page or other medical record identifying the product at issue in the case by email to AMS at amsservice@reedsmith.com; **OR** by U.S. Mail to:

Tracy G. Weiss
Reed Smith LLP
Three Logan Square
1717 Arch Street Suite 3100
Philadelphia, PA 19103.

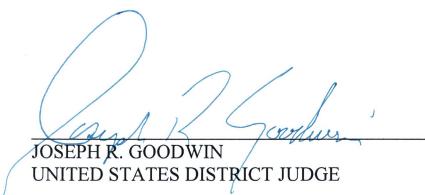
Service will be effective only if accomplished as set forth above, or if accomplished pursuant to the Federal Rules of Civil Procedure. The preferred method of service is via email.

3. Counsel for AMS shall acknowledge receipt of the short form complaint by filing a Notice of Appearance. For cases served prior to March 12, 2014, the date of entry of PTO # 142, counsel for AMS shall file a Notice of Appearance within 60 days of receipt. For cases served on or after March 12, 2014, counsel for AMS shall file a Notice of Appearance within 30 days of receipt. The entry of a Notice of Appearance will suffice to acknowledge receipt of the short form complaint for all cases, whether served prior to or after March 12, 2014.

4. Plaintiffs submitting a request for waiver shall not seek to hold AMS in default to failure to timely answer a complaint in which service has been accomplished pursuant to the terms of this Order without first giving AMS written notice of the alleged default and ten business days in which to cure any alleged default.

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-13223. 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 CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: March 26, 2014


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE