

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

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

**MDL NO. 2325**

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**THIS DOCUMENT RELATES TO  
CIVIL ACTION NO.:**

**Cunningham, et al. v. Total Petrochemicals and  
Refining U.S.A., Inc., et al.**

**2:14-cv-16582**

**PRETRIAL ORDER # 173  
(Initial Order Regarding Severance of Actions)**

The complaint filed in the above-referenced action joined multiple plaintiffs whose only apparent connection with one another is that they allege they were implanted with an American Medical Systems, Inc. (“AMS”) pelvic mesh product and possibly others. I **FIND** that multiple plaintiff complaints, except those complaints in which only one individual alleges using an AMS product but another derivative plaintiff is named as well (e.g. cases in which a spouse is asserting only a loss of consortium claim), should be severed. Accordingly, to resolve any misjoinder concerns and to facilitate the efficient administration of these actions, it is **ORDERED** as follows:

1. Except for the first named plaintiff (and derivative plaintiff(s) claiming under her, if any) listed in Exhibit A, attached hereto, **and** any plaintiff(s) who objects to severance (see paragraph 7), the remaining plaintiffs in the aforementioned case shall be dismissed without prejudice on or around **June 3, 2014**.

2. Within thirty (30) days after the entry of this Pretrial Order (“PTO”), each individual plaintiff dismissed pursuant to paragraph 1 of this PTO who did not object to severance and any derivative plaintiff claiming under her, may file an individual severed complaint to continue the prosecution of the claims they alleged in the dismissed civil action. Each such plaintiff may choose to file in this court, a Short Form Complaint in the form available on the court’s website. **Each plaintiff is reminded of her obligation to comply with Rule 4 of the Federal Rules of Civil Procedure.**

3. Any Short Form Complaint filed by a severed plaintiff must be accompanied by the appropriate filing fee, and assigned a separate civil action number determined by the Clerk.

4. Any severed plaintiff who wishes to name as defendants parties who are not listed in the current Master Long Form Complaint as defendants must file an individual complaint in the District Court where such action properly can be filed and await transfer by the Judicial Panel on Multidistrict Litigation (the “Panel”).

5. **Any re-filed action (whether filed in another district or in the Southern District of West Virginia) shall refer to the dismissed civil action and its original filing date.** This information must be added to the Short Form Complaint immediately under the Civil Action Number or to the style of the long form complaint immediately under the Civil Action Number assigned by the Clerk in the district where the action is filed. (*See* Exhibit B, attached hereto.)

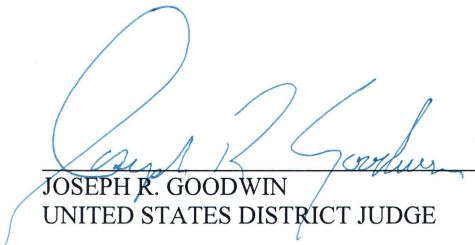
6. Any individual Complaint filed within the time provided by this PTO will be deemed to have been filed on and relate back to the original filing date of the applicable multi-plaintiff civil action. Any statute of limitations defense that existed as of the filing dates of the original multi-plaintiff complaints shall be preserved.

7. Any plaintiff(s) who objects to this PTO must do so within ten (10) days of entry of this PTO or by **May 29, 2014**. Such plaintiff should file her objections in the Southern District of West Virginia in the original multi-plaintiff case, with any objection not to exceed two (2) pages. Any plaintiff(s) who objects shall not be severed until such objection is resolved by the court.

8. The court **DIRECTS** the Clerk to place a copy of this PTO in each re-filed action filed pursuant to this PTO that is directly filed in the Southern District and in each re-filed action filed pursuant to this PTO that is transferred by the Panel on the date the case is opened in the Southern District.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02325 and in member case **2:14-cv-16582** 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-16583. 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](http://www.wvsd.uscourts.gov).

ENTER: May 19, 2014

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**MDL 2325 - EXHIBIT A**

<b>Plaintiffs</b>	<b>Originating District</b>	<b>Originating Case No.</b>	<b>SDWV – MDL Member Case No.</b>
Vanessa Cunningham Carol Maanum Margaret Dall Briganta English-Smith Dianne Hertsel Caroleta Hutchens Eda Osorio Laura Partin Beverly Duc Candy Broome Vanessa Bowling Melba Ortiz Estela Guerra Sharon Ahlstrom Brehonda Lewis-Cuff Elizabeth Martin-Johnson Tina VonBehren Judy Trussoni Angela Johnson Terry Monroe Maggie Hannum Shelly Royea Marilyn Sheehan Susan Ross Karen Crabtree Stephanie Quinn Daylynn McDonald Sheila Portella Andrea Ortega Sonja Gray Charmaine Jimmie Cynthia Millard Myrcena Ashley Linda Harrington Marilu Rios Joann Ruffie Jackie Phillips Sandra Pomeroy Virginia LaSalle Maria Galaviz Katherine Thomas Minna Montalvo Maria Saavedra	Texas Southern	4:14-cv-01056	2:14-cv-16582

<b>Plaintiffs</b>	<b>Originating District</b>	<b>Originating Case No.</b>	<b>SDWV – MDL Member Case No.</b>
<p>Marlys Higginbotham  Lorie Sayre  Ginger Peel  Debora Tolbert-Camp  Valeria Jurczak  Nancy Bliss  Deborah Bailey  Shelia Gardner  Barbara Ohlde  Connie Anschutz  Evie Varnado  Mary Cook  Belle Kupka  Marilyn Dalseg  Leslie Bologna  Betty Martin  Keisha Barnes  Catherine Bigelow  Carolyn Fabricius  Donna Wilson  Miriam Aguirre  Barbara Chase  Glenda Jasper  Deborah Hall  Linda VanDoren  Paula Lane  Nancy Jones  Daisy Marshall  Viola Blair  Patsy Kennedy  Noreen Dan  Marlene Molisee  Sandra Miller  Barbara King  Evelyn Reedy  Lori Cromer  Teresa Brooks  Sandria Rook  Mary Johnson  Rosibel Zuniga  Mary Garcia  Leah Saastamoinen  Lynn Christensen  Mary Ferrigno  Gloria Lee</p>	<p>Texas Southern</p>	<p>4:14-cv-01056</p>	<p>2:14-cv-16582</p>

<b>Plaintiffs</b>	<b>Originating District</b>	<b>Originating Case No.</b>	<b>SDWV – MDL Member Case No.</b>
Lois Frost Thayle McMonagle	Texas Southern	4:14-cv-01056	2:14-cv-16582

**Exhibit B**

**I. For Directly Filed Cases:**

**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***

**Civil Action No. \_\_\_\_\_  
(Severed from Civil Action No. \_\_\_\_\_ filed \_\_\_\_\_)**

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**SHORT FORM COMPLAINT**

**II. For All Other Cases:**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**TABATHA ARNOLD, et al.,**

**Plaintiffs,**

**v.**

**Civil Action No. \_\_\_\_\_  
(Severed from SDWV Civil Action  
No. \_\_\_\_\_ filed \_\_\_\_\_)**

**American Medical Systems, Inc., et al.,**

**Defendants.**

**COMPLAINT AND JURY DEMAND**