

**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 # 21
(Waiver of Service Provisions for American Medical Systems, Inc.)**

With the agreement of the parties, the court **ORDERS** that:

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, a request for waiver of service pursuant to the provisions of Fed. R. Civ. P. 4 and, if in their possession, a sticker page or other medical record identifying the product at issue in the case by email to Tracy G. Weiss by jointly emailing ALL THREE of the following individuals: Tracy G. Weiss at tweiss@reedsmith.com; Regina Nelson at rnelson@reedsmith.com; and Kyle McCloskey kmccloskey@reedsmith.com; **OR** by U.S. Mail to:

Tracy G. Weiss
Reed Smith LLP
One Liberty Place
1650 Market Street
Philadelphia, PA 19103

3. Counsel for AMS shall return the signed waiver requests to the court within the time permitted by Fed. R. Civ. P. 4.

4. Plaintiffs submitting a request for waiver shall not seek to hold AMS in default for 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 2:12-cv-06684. 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: October 19, 2012


Joseph R. Goodwin, Chief Judge