

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

IN RE: AMERICAN MEDICAL SYSTEMS, INC., PELVIC REPAIR SYSTEMS PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02325 MDL 2325
THIS DOCUMENT RELATES TO CIVIL ACTION NOS. 2:12-cv-05109; 2:12-cv-04611; 2:12-cv-04710; 2:12-cv-03460; 2:12-cv-03656; 2:12-cv-02570; 2:12-cv-08291; 2:12-cv-01425; 2:12-cv-04735; 2:12-cv-04709; 2:12-cv-04604; 2:12-cv-03861; 2:12-cv-04187; 2:12-cv-08290; 2:12-cv-01045; 2:12-cv-05130; 2:12-cv-04705; 2:12-cv-03934; 2:12-cv-04690; 2:12-cv-04601; 2:12-cv-02551; 2:12-cv-03713; 2:12-cv-03935; and 2:12-cv-00989.	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

PRETRIAL ORDER # 29 __
(Agreed Order Regarding Severance of Actions)

Some complaints in this MDL action join multiple plaintiffs whose only apparent connection with one another is that they were implanted with an American Medical Systems Inc. mesh product intended to treat certain conditions of the female pelvic organs. The parties have agreed that multiple plaintiff complaints, except those complaints in which only one individual alleges using an American Medical Systems Inc. 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 each case in Exhibit A, attached hereto, **and** any plaintiff(s) who objects to severance (*see* paragraph 7) the plaintiffs listed in each case in Exhibit A shall be dismissed without prejudice on **January 4, 2013**.
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.

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) in Exhibit A who objects to this PTO must do so within ten (10) days of entry of this PTO or by **January 2, 2013**. 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 cases 2:12-cv-05109; 2:12-cv-04611; 2:12-cv-04710; 2:12-cv-03460; 2:12-cv-03656; 2:12-cv-02570; 2:12-cv-08291; 2:12-cv-01425; 2:12-cv-04735; 2:12-cv-04709; 2:12-cv-04604; 2:12-cv-03861; 2:12-cv-04187; 2:12-cv-08290; 2:12-cv-01045; 2:12-cv-05130; 2:12-cv-04705; 2:12-cv-03934; 2:12-cv-04690; 2:12-cv-04601; 2:12-cv-02551; 2:12-cv-03713; 2:12-cv-03935; and 2:12-cv-00989. 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.

ENTER: December 11, 2012

Agreed to by:

/s/ Amy Eskin
Amy Eskin, Esq.

Plaintiffs' Co-Lead Counsel

/s/ Barbara Binis
Barbara Binis

Counsel for Defendant American Medical Systems, Inc.


Joseph R. Goodwin, Chief Judge

EXHIBIT A

Case	Originating Court	Originating Case#	MDL Member #
Margie Anderson, Hazel Rettig, Debra Chapman, Sharon Estes and William Estes	USDC, Tennessee	2:12-cv-02560	2:12-cv-05109
Crystal Lynn Ball, Terrence Ball, Wanda White, Delores Moses and Lonnie Moses	USDC, Tennessee	1:12-cv-00223	2:12-cv-04611
Valerie Barclay and Dorothy McCulley	USDC, Tennessee	2:12-cv-00297	2:12-cv-04710
Judith Ann Bishop, Donald Bishop, Estrella Jo Cox, Marlin Cox, Cynthia England, David England, Judith Hubbard, Sheryl Lary, Kevin Lary, Katrilla McCain, Maria Modica, Salvatore Modica, Kimberly Oilar, Chris Oilar, Angela Renee Porter, Frances Roney, James Roney, Faye Schaffner, Doris Willard and Seth Willard	USDC, California	4:12-cv-03042	2:12-cv-03460
Ellen Brooks, Marie Harris, Elizabeth Fontenot and Edward Fontenot	USDC, Louisiana	3:12-cv-00417	2:12-cv-03656
Patty Brush, Jimmy Brush, Connie Bryant, Myron Bryant, Danita Lataine Key, Shawn Key, Tammy Knighten, Danny Knighten, Bertha Leonard, Fred Leonard, Kimberley Meadows, Sammie Meadows, Cindy Kay Pearson, and Carole Dunfee	USDC, California	3:12-cv-02932	2:12-cv-02570

Case	Originating Court	Originating Case#	MDL Member #
Linda Buehler and Vincent Buehler, Betty Carmichael and Tim Carmichael, Kristy Graves and Tony Graves, Stacy Hull and Kevin Hull, Gail Workman, Faye B. Glover and Gerald B. Glover, Jr., Marlina Lynn Novak and Mark Novak, Kelly Puffinburger and Calvin Puffinburger, Sherry Reed and Jeff Reed, Nancy Rizzardi, Jennifer Marciano, Judy Oropeza, Sandra K. Neal, Elva Porter	USDC, California	4:12-cv-05462	2:12-cv-08291
Audrey Carlisle, Benny Carlisle and Melissa Rodriguez	USDC, Minnesota	0:12-cv-00969	2:12-cv-01425
Annette Cooper, Samuel Cooper, Connie SeaGraves, Billy SeaGraves, Candy Gullatta, Annie Mason, John Mason, Pamela Bowman, Lynda Harris, Carlotta Brdar, Curtis Brdar, Pam Godley, William Godley, Kathy Venegas, Carolyn Naylor and Paul Naylor	USDC, Pennsylvania	2:12-cv-04183	2:12-cv-04735
Kathryn Crouse, Roberta Graves, Kathy Isbell, Virginia Myers and Arthur Meyers	USDC, Tennessee	2:12-cv-00285	2:12-cv-04709
Joann Hanks, Irene Prater and Morris Prater	USDC, Louisiana	2:12-cv-01885	2:12-cv-04604
Janet Hardy, Helen Thibodeaux and Kevin Thibodeaux	USDC, Louisiana	2:12-cv-01841	2:12-cv-03861
Linda Danise Jackson,	USDC, Texas	3:12-cv-02093	2:12-cv-04187

Case	Originating Court	Originating Case#	MDL Member #
Chris Jackson, Letha Baize, Lori Benton, Douglas Benton, Michaelle Daley, Dorothy Eddings, Sarah Ivy, Sandra Lawson, Betty Phelps, Richard Phelps, Carolyn Richmond, James Harold Richmond, Jamie Schexnayder, Dirk Schexnayder, Sara Waggoner, Leslie Williamson, Alan Williamson, Jean Wilson and John Wilson			
Julie Krasauskas and William Krasauskas, Shannon Gray, Jennifer Degeare and Corey Degeare, Marcel Hall, Sheila Hoover and Bill Hoover, Karen King, Nickol Harsgrave, Patsy Smith, Tina Marie Lee, Sherry Boylan and Marshall Brice Boylan, Fannie Bellow and Lawrence Bellow, Cynthia Crain and Thomas Crain	USDC, California	3:12-cv-05463	2:12-cv-08290
Wanda Jones, Barbara Stadler, Mary Colombi, Dawn Davis, Mary Fassbender, Tammy McIlroy, Tonya Ramirez	USDC, Texas	3:12-cv-00855	2:12-cv-01045

Case	Originating Court	Originating Case#	MDL Member #
Vicki Jo Lawrence, Donald Lawrence, Tonya Belew, Patricia Cravens, John Cravens, Stephanie Duncan, Helen Dyer, Judy Frazier, Debra Hudson, Roberta Martin, Bobby L. Martin, Ibeth Mejia, Roxanne Parker, Frank Parker, Chastity Pickford, Roger Pickford, Anntonnette Thibodeaux, Jerry Thibodeaux, Sherry Verrett, and Phyllis Wright	USDC, Texas	3:12-cv-02970	2:12-cv-05130
Mary Lucas, Larry Lucas, Patricia Albright, James Albright, Ruth Brinkman, Eric Brinkman, Linda Smallwood, Craig Smallwood, Debra Charlene Roddy, and Billy Smith	USDC, Tennessee	3:12-cv-00335	2:12-cv-04705
Cindy Mendow and Sheila White Williams	USDC, Louisiana	2:12-cv-01817	2:12-cv-03934
Wanda Metcalf, Rebecca Rickley and Bruce Rickley	USDC, Tennessee	2:12-cv-02625	2:12-cv-04690
Janet Persico and Mark Persico, Lois Harvill and Clifford Harvill	USDC, Kentucky	5:12-cv-00096	2:12-cv-04601
Peggy Petty, Rebecca Steelman, Stella Crumley, Tommy Crumley, Mary Goeringer, Jerry Goeringer, Dianne Dibalsi, Benny Dibalsi, Donna Williams, Randy Williams, Susan Wickham, Jeffrey Wickham, Lena Lowry, Virgil Lowry, and Pamela	USDC, California	4:12-cv-02929	2:12-cv-02551

Case	Originating Court	Originating Case#	MDL Member #
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Dora Phelps, Karen Garst and David Garst	USDC, Kentucky	2:12-cv-00153	2:12-cv-03713
Ruby Phinisee, Clint Phinisee, Lori Jean Gregory, Daniel Gregory, Ermagean Stroud and Donald Stroud, Sr.	USDC, Tennessee	3:12-cv-00695	2:12-cv-03935
Ivabel Toups, Denice Baggett, Verna Butler, Regina Stapleton and Barbara Bildner	USDC, Texas	3:12-cv-00845	2:12-cv-00989

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 _____)**

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