

**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

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 31**

**(Revised Short Form Complaint and Amended Short Form Complaint  
re: Addition of Coloplast, et al.; Revised Motion to Transfer MDL)**

I recently entered a PTO in In re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation, MDL 2387, which adopted a Short Form Complaint and Amended Short Form Complaint adding the following MDL defendants: Coloplast Corp., Analytic Biosurgical Solutions (“ABISS”), Mentor Worldwide LLC, Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. As a result, attached are a **revised** (1) Short Form Complaint (Exhibit A); and a **revised** (2) Amended Short Form Complaint (Exhibit B) that reflect the addition of these entities to the Short Form and Amended Short Form Complaints in this MDL.

It is **ORDERED** as follows:

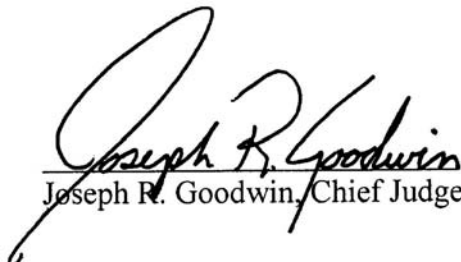
(1) While PTO # 17 (New Direct filing Order; Amended Master Complaint, Short Form Complaint, Amended Short Form Complaint and Master Responsive Pleadings) remains in force and effect, parties filing Short Form Complaints in new cases or Amended Short Form Complaints in existing cases **must use the revised forms attached to this PTO and located on the court’s website**, rather than the Short Form and Amended Short Form Complaints attached to PTO # 17, **beginning no later than December 19, 2012;**

(2) Plaintiffs who have already filed a Short Form or Amended Short Form Complaint pursuant to PTO # 17 are given leave to amend their Short Form or Amended Short Form Complaint for the **sole** purpose of naming the above entities, but must do so on or before **January 25, 2013**; and

(3) A **revised** PDF fillable form entitled “Motion to Transfer MDL,” which also can be found on the court’s website and which enables parties to now transfer their case, where necessary, to any of the five (5) MDLs assigned to me, is attached hereto as Exhibit C and must be used by the parties in place of the original PDF fillable form.

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-08894. 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.wvsc.uscourts.gov](http://www.wvsc.uscourts.gov).

ENTER: December 17, 2012

  
Joseph R. Goodwin, Chief Judge

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

Exhibit A

CHARLESTON DIVISION

*In Re: American Medical Systems, Inc., Pelvic Repair System  
Products Liability Litigation  
MDL No. 2325*

Civil Action No. [REDACTED]

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**SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

[REDACTED]

2. Plaintiff Spouse

[REDACTED]

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

[REDACTED]

4. State of Residence

[REDACTED]

5. District Court and Division in which venue would be proper absent direct filing

[REDACTED]

[REDACTED]

6. Defendants (Check Defendants against whom Complaint is made):

A. American Medical Systems, Inc. ("AMS")

B. American Medical Systems Holdings, Inc. ("AMS Holdings")

- C. Endo Pharmaceuticals, Inc.
- D. Endo Health Solutions Inc. (f/k/a Endo Pharmaceuticals Holdings, Inc.)
- E. Ethicon, Inc.
- F. Ethicon, LLC
- G. Johnson & Johnson
- H. Boston Scientific Corporation
- I. C. R. Bard, Inc. (“Bard”)
- J. Sofradim Production SAS (“Sofradim”)
- K. Tissue Science Laboratories Limited (“TSL”)
- L. Analytic Biosurgical Solutions (“ABISS”)
- M. Mentor Worldwide LLC
- N. Coloplast A/S
- O. Coloplast Corp.
- P. Coloplast Manufacturing US, LLC
- Q. Porges S.A.

7. Basis of Jurisdiction

- Diversity of Citizenship
- Other:

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

B. Other allegations of jurisdiction and venue

[Redacted area]

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- A. Apogee;
- B. Perigee;
- C. MiniArc Sling;
- D. Monarc Subfascial Hammock;
- E. SPARC;
- F. In-Fast;
- G. BioArc;
- H. Elevate;
- I. Straight-In;
- J. Other

[Redacted area]

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- A. Apogee;
- B. Perigee;
- C. MiniArc Sling;
- D. Monarc Subfascial Hammock;
- E. SPARC;

- F. In-Fast;
- G. BioArc;
- H. Elevate;
- I. Straight-In;
- J. Other;

[Redacted]

[Redacted]

10. Date of Implantation as to Each Product

[Redacted]

[Redacted]

[Redacted]

11. Hospital(s) where Plaintiff was implanted (including City and State)

[Redacted]

[Redacted]

12. Implanting Surgeon(s)

[Redacted]

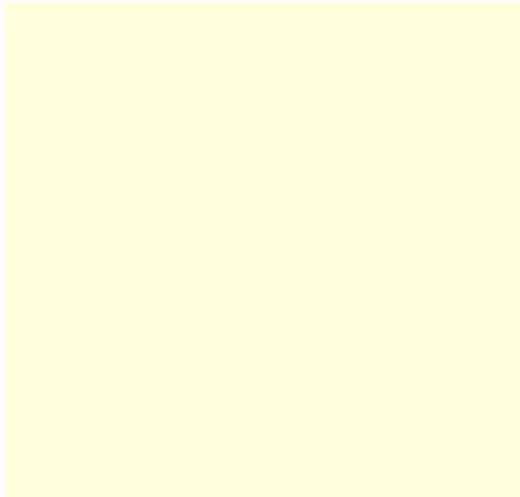
[Redacted]

13. Counts in the Master Complaint brought by Plaintiff(s)

- Count I - Negligence
- Count II – Strict Liability – Design Defect
- Count III – Strict Liability – Manufacturing Defect
- Count IV – Strict Liability – Failure to Warn
- Count V - Strict Liability – Defective Product
- Count VI - Breach of Express Warranty
- Count VII – Breach of Implied Warranty



Address and bar information:



Attorneys for Plaintiff



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. [REDACTED]

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**AMENDED SHORT FORM COMPLAINT**

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

[REDACTED]

2. Plaintiff Spouse

[REDACTED]

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

[REDACTED]

4. State of Residence

[REDACTED]

5. District Court and Division in which venue would be proper absent direct filing [REDACTED]

[REDACTED]

6. Defendants (Check Defendants against whom Complaint is made):

A. American Medical Systems, Inc. ("AMS")

B. American Medical Systems Holdings, Inc. ("AMS Holdings")

- C. Endo Pharmaceuticals, Inc.
- D. Endo Health Solutions Inc. (f/k/a Endo Pharmaceuticals Holdings, Inc.)
- E. Ethicon, Inc.
- F. Ethicon, LLC
- G. Johnson & Johnson
- H. Boston Scientific Corporation
- I. C. R. Bard, Inc. (“Bard”)
- J. Sofradim Production SAS (“Sofradim”)
- K. Tissue Science Laboratories Limited (“TSL”)
- L. Analytic Biosurgical Solutions (“ABISS”)
- M. Mentor Worldwide LLC
- N. Coloplast A/S
- O. Coloplast Corp.
- P. Coloplast Manufacturing US, LLC
- Q. Porges S.A.

7. Basis of Jurisdiction

- Diversity of Citizenship
- Other:

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

B. Other allegations of jurisdiction and venue

[Redacted area]

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

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- I. Straight-In;
- J. Other

[Redacted area]

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

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- D. Monarc Subfascial Hammock;
- E. SPARC;

- F. In-Fast;
- G. BioArc;
- H. Elevate;
- I. Straight-In;
- J. Other;

[Redacted]

[Redacted]

10. Date of Implantation as to Each Product

[Redacted]

[Redacted]

[Redacted]

11. Hospital(s) where Plaintiff was implanted (including City and State)

[Redacted]

[Redacted]

12. Implanting Surgeon(s)

[Redacted]

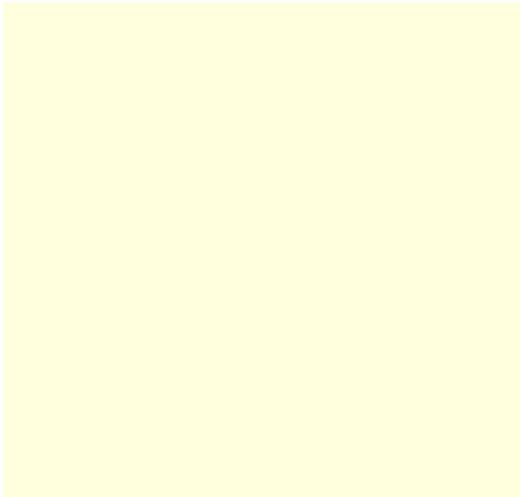
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- Count III – Strict Liability – Manufacturing Defect
- Count IV – Strict Liability – Failure to Warn
- Count V - Strict Liability – Defective Product
- Count VI - Breach of Express Warranty
- Count VII – Breach of Implied Warranty

- Count VIII – Fraudulent Concealment
- Count IX – Constructive Fraud
- Count X - Discovery Rule, Tolling and Fraudulent Concealment
- Count XI – Negligent Misrepresentation
- Count XII – Negligent Infliction of Emotional Distress
- Count XIII – Violation of Consumer Protection Laws
- Count XIV – Gross Negligence
- Count XV - Unjust Enrichment
- Count XVI - (By the Spouse) – Loss of Consortium
- Count XVII – Punitive Damages
- Other  (please state the facts supporting this Count in the space, immediately below)
- Other  (please state the facts supporting this Count in the space, immediately below)

Address and bar information:



Attorneys for Plaintiff

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

Exhibit C

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

MDL No. 2325  
Honorable Joseph R. Goodwin

[Redacted]

**Plaintiff(s),**

v.

**CASE NO.**

[Redacted]

[Redacted]

**Defendant(s).**

**MOTION TO TRANSFER MDL**

**COME NOW** the plaintiff(s), by and through the undersigned counsel, and move the court to transfer this member case from MDL 2325, In re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation, to:

MDL Select One:

[Redacted]

Plaintiff(s) herein filed a Complaint or Short Form Complaint in MDL 2325 against American Medical Systems, Inc., and others. Plaintiff(s) later filed an Amended Short Form Complaint that no longer included American Medical Systems, Inc. or another named defendant in that litigation; included instead, among others, were the following parties from MDL [Redacted]:

[Redacted]

Because American Medical Systems, Inc. or another defendant named in the Master Complaint, is no longer a named defendant in this member case, Plaintiff(s) respectfully request that the Court: 1) **GRANT** the Plaintiff(s) motion to transfer this civil action from MDL 2325 to [REDACTED]; and 2) direct the Clerk to disassociate this civil action as a member case in MDL 2325 and re-associate it with MDL [REDACTED].

[REDACTED]

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**CERTIFICATE OF SERVICE**

I hereby certify that on [REDACTED], I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this member case.

[REDACTED]

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