

**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

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 68

(Order re: Termination of parties no longer named in
Short Form and Amended Short Form Complaints)

I recently entered PTOs in each MDL adopting new Short Form and Amended Short Form Complaints that omit Endo Pharmaceuticals Inc., American Medical Systems Holdings, Inc. and Endo Health Solutions Inc. (collectively referred to as the “Endo Entities”) and Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. because those parties were dismissed without prejudice by agreement of the parties in earlier PTOs. Effective June 5, 2013, plaintiffs in direct filed cases were to begin using the Short Form Complaints in all direct filed cases and, where appropriate pursuant to previous PTOs, also were to begin using the new Amended Short Form Complaints.

To the extent parties have and/or continue to use outdated Short Form or Amended Short Form Complaints that name these parties that have been dismissed, the Clerk is **ORDERED** to terminate those parties. In addition, where a plaintiff names or has named these parties a second time after already being terminated once, it is **ORDERED** that the Clerk is not required to add these parties and then terminate them because they have already been terminated on the docket.

Further, if any plaintiff does not use the correct form, the court may take appropriate action, including directing the Clerk to strike the complaint from the docket and ordering the case dismissed so that the plaintiff will have to refile the action and pay a second filing fee.

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 2:13-cv-13112. 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.

ENTER: June 10, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE