

**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.  
2:13-cv-21864; 2:13-cv-21897; 2:12-cv-04602**

**JOSEPH R. GOODWIN  
U.S. DISTRICT JUDGE**

**PRETRIAL ORDER # 81  
(Agreed Order Regarding Severance of Actions)**

The complaints filed in the above-referenced actions joined multiple plaintiffs whose only apparent connection with one another is that they were implanted with an American Medical Systems, Inc. (“AMS”) pelvic mesh product. The parties have agreed 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 each case in Exhibit A, attached hereto, **and** any plaintiff(s) who objects to severance (see paragraph 7), the remaining plaintiffs in the aforementioned cases shall be dismissed without prejudice **on September 27, 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.

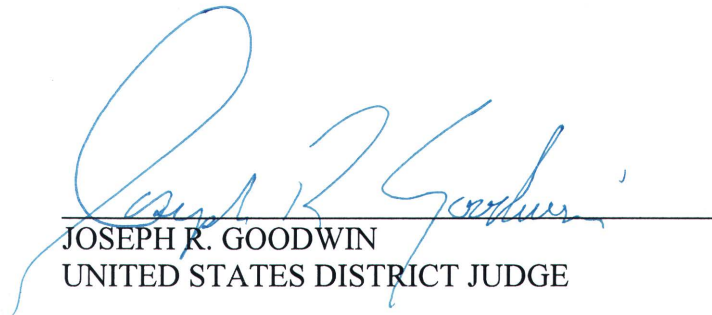
7. Any plaintiff(s) who objects to this PTO must do so within ten (10) days of entry of this PTO or by **September 23, 2013**. Such plaintiff should file her objections in the Southern

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 2:13-cv-21897; 2:13-cv-21864; and 2:12-cv-04602. 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 [ww.wv.uscourts.gov](http://ww.wv.uscourts.gov).

ENTER: September 13, 2013

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

AGREED TO BY:

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Attorneys for Defendant American Medical Systems, Inc.

**EXHIBIT A**

<b>Plaintiffs</b>	<b>Originating District</b>	<b>Originating Case No.</b>	<b>SDWV – MDL Member Case No.</b>
Martha McClarnon Ann Ansary Doris Brooks Resita Goodson Margarette Jackson Martha Moreno Debra Raines Christina Ricci Tamara Rodriguez Margaret Sackos Trula Sard Laura Schultz Tonja Scofield Lillie Seidel May Shupe Amber Steffan Barbara Strouble Mary Sturghill Virginia L. Taylor Marsha Theisen Betty Thompson and Horace Thompson Trisha VanArsdalen Priscilla Vanderhoof and Martin Dean Vanderhoof Renee Walker Kimberly Wallace Marsha Williams Lynette Wisniewski Betty Mattox Candy Mathis Linda Fuhriman	Texas Northern	3:13-cv-02913	2:13-cv-21864

<b>Plaintiffs</b>	<b>Originating District</b>	<b>Originating Case No.</b>	<b>SDWV – MDL Member Case No.</b>
Melissa Rosales Lisa Athans and William David Athans Melinda Atkins Maxine Bell Jennifer Bridges Yvonne Brundage Patricia Burgdorff Judy Cady Carol Ann Cain Beverly Capano Destiny Cardwell Dawn Ciarrochi Felicia Clark and Randall W. Clark Stefanie Clark Elizabeth Copen and Jimmy Copen Ana Coronado and Javier Coronado Caroline Craeton Barbara Craft Sherrie Cuellar Kathleen Davis Deborah Dean Emily Deweese Rosemary Doll Tina Dominguez Eleanor Espinoza Olga Garcia Phyllis Goodis Sherry Gravelle Nell Gray Laurie Groves Cindy Hanna Marie Harrigill Connie Harrison Sharon Haynes Misty Heck Shirley Hein Julie Hopp Susan Hull Kerry Hulsey	Texas Northern	3:13-cv-02911	2:13-cv-21897

<b>Plaintiffs</b>	<b>Originating District</b>	<b>Originating Case No.</b>	<b>SDWV – MDL Member Case No.</b>
Heidi Hurst and Kenneth M. Hurst Irene Juanes Susan Kunze and Raymond Kunze Patricia Kuykendall, deceased Rachel Lang Amy Luker Arlene Maggioncalda Carolyn Marks Delores McCrocklin Carolyn McDaniel Beverly Miller Patricia Miller Liles Elena Montes Judith Moon Marilyn Moore and James Moore Juanita Morales Michelle Moss Janice Murdock Estella Nanez Paula Pelham Andrea Pendergraph Yolanda Perales Amber Perkins Ruth Phillips Tawny Pratt Linda Quintana Vaughnie Raines and Ronald Raines	Texas Northern	3:13-cv-02911	2:13-cv-21897
Connie Bryant and Bobby Bryant Jr. Gwendolyn Bryant and James Bryant	Louisiana Western	1:12-cv-01883	2:12-cv-04602

**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**