

**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

**THIS DOCUMENT RELATES TO
CIVIL ACTION NO.
2:13-cv-26424; 2:13-cv-24797; 2:13-27281**

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

**PRETRIAL ORDER # 92
(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. I **FIND** 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 **November 21, 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.

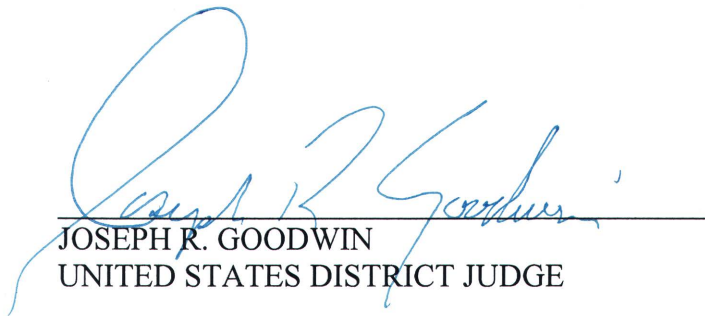
7. Any plaintiff(s) who objects to this PTO must do so within ten (10) days of entry of this PTO or by **November 16, 2013**. Such plaintiff should file her objections in the Southern District of West Virginia in the original multi-plaintiff case, with any objection not to exceed

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-26424; 2:13-cv-24797; and 2:13-27281**. 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.wvwd.uscourts.gov.

ENTER: November 6, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Guadalupe Vega Arleen Aguilar Mary Bennett Deborah Bowden Pamela Byrd Susan Cannon Cynthia Cardenas Rebecca Carlile Lissa Cook Wanda Costello Diane Crain Debra Doyle Maria Escalante Christy Gall Gloria Hooper Starla Juergensen Kay Kaalkhalke Barbara Linzey Ana Marin Megan McCarty Greta McGee Argelia Meza Eneide Nascimento Sonia Olivo Cynthia Phelps Carolyn Phillips Jacqueline Potter Leticia Reyes Mildred Rhodes Tanya Shelby Irma Soto Lisa Steltenreich Carol R. Thomas Terri Uribe Cynthia Waters Elizabeth Whitford Merle Woolley Sherry Sparks Margaret Bates Cynthia Beasley	Texas Southern	2:13-cv-00274	2:13-cv-26424

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Robin D. Bowens Janet Bradford Virginia Carithers Cheryl Case Melissa Cook Paula Couch Carolyn Eads Barbara Fowler Scarlett Guyse-Spitzer Jane Head Janice Hill Sharon Humphrey Virginia Kasak Rose Marie Kilcrease Diane Macon Karen Mathis Doris McGhee Sue Ann McGinnis Kadama McKenzie-Greene Andrea Overton Mickie Parcus Martha Parks Sharlene Pettus Amy Pisanelli Shawn Raspberry Joyce Roden Margie Rush Gailya Sargent Dorothy Shaddix Linda Silcox Betty Slaven Alyce Smith Cheryl Smith Sandra Stephenson Ollie Taylor-Stephens Jonnie Terry Brenda Weems Sharon White Jasmine Williams Theda Wilson Shanley Atkinson Vickie Crowley	Texas Southern	2:13-cv-00274	2:13-cv-26424

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Florence Featherman Sandy Hanning Sally Lang Jill Martin Terri Spelman Robbyn Beard Grace Braxton Janet Clemons Sylvia Johnson Faye J. Jones Laurie Milton Nellie Montgomery Barbara Pugh Pamela Sartin Rachel Addison Bonnie Young	Texas Southern	2:13-cv-00274	2:13-cv-26424

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Raquel Gonzalez Clarita Dudley Mary Boggs Rita Smith Joshlyn Cotton Maria Herrera Penny Edwards Judy Herrington Jerri Anne Sanders Charlene Zakrzewski Jeanette Barker Patricia Floyd Toni Gurganus Katrina Baker Gypsy Cortner Wanda Rowland Olivia Torres Rometta Cameron Madelynn Talley Barbara E. Salsgiver Terrie Brown Tira L. McPeek Roxie Fisher Sally Smith Ernestine McDonald Ashley Boyer Debra Brentlinger Sandra Hicks Helen Jones-Randol Angela Wells Ryan Hairston Ellen Jones Nelya Rutherford Vickie Mathews Leslie Grant-Robinson Cecelia Fussie Felecia A. Orr Theresa Nelson Delores Howard Cheryl Ramsey Patricia George Helen Holovak	Texas Southern	7:13-cv-00457	2:13-cv-24797

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Geneva Ashworth Janet Mason Joyce Hackworth Geraldine Dalton Janie Hudson Linda Tortorice Bevlah Apperson Dorothy McClain Nancy Henry Patricia Adams Mary Engle Hester Williams Sharon Wilson Debra L. Brown Claudia Howard Cheryl Zurinsky Katie Day Cheryl Cassada Mary Ann Davis Lois Alexander Patricia Poppinger Billie Fleming Terri L. Neil Gwendolyn Mullins Vanessa Dixon Keita Cotner Marjorie Heilbock Deborah Blake Judith Williamson Lori Bean Brenda Bradds Jacquelyn Brown Mary Erickson Jacquelyn Hannah Judy Kraft Barbara McCombs Janet Prater Beatrice Scott Annette Stone Renee M. Despain Charnell Temple Shirley Crosby	Texas Southern	7:13-cv-00457	2:13-cv-24797

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Kimberly Long Lisa M. Anderson Shelly Threlkeld Shanda Raleigh Penella Cline Julie Fox Jackie Sherrill Tena Ellis Karen Kelly Phyllis Stevenson Lisa Price Brenda Hicks Ra'Shawnda Johnson Sharon Poole Tracey Verdun	Texas Southern	7:13-cv-00457	2:13-cv-24797

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Dolly Chaffin Sylvia King Joni Prince-Jones Daphanie Wilkins Kathleen Anderton Eloise Campos Ana Flores Maria Carbajal Fely Coma Alma Lindsey Darla Newton Imogene Pyle Connie Riedel Barbara Smith Francis Williams Connie Daigle Regina English Martha Worso Nevelda Briggs Brenda Cole Tina Owens Teresa Horton Gwen Accawi Ginger Haile Sarah Vaughn	Texas Western	5:13-cv-00863	2:13-cv-27281

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