

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

**IN RE: BOSTON SCIENTIFIC CORP.,  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION**

**MDL No. 2326**

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**THIS DOCUMENT RELATES TO  
CIVIL ACTION NOS.**

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

**2:12-cv-00960; 2:12-cv-04371; 2:12-cv-01104;  
2:12-cv-08619; 2:12-cv-01425; 2:12-cv-04735;  
2:12-cv-04709; 2:12-cv-04312; 2:12-cv-01138;  
2:12-cv-03469; 2:12-cv-04685; 2:12-cv-04540;  
2:12-cv-04351; 2:12-cv-04983; 2:12-cv-05144;  
2:12-cv-03582; 2:12-cv-01156; 2:12-cv-04418;  
2:12-cv-05219; 2:12-cv-06199**

**PRETRIAL ORDER # 26  
(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 Boston Scientific Corp. 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 a Boston Scientific Corp. 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.)

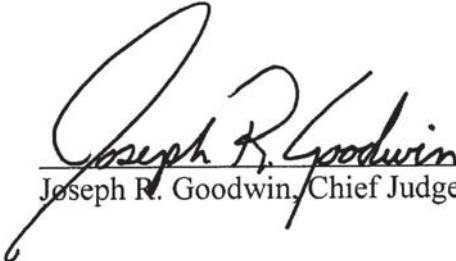
6. Any individual Complaint filed within the time provided by this PTO will be deemed to have been filed on and relate back to the original filing date of the applicable multi-plaintiff civil action. Any statute of limitations defense that existed as of the filing dates of the original multi-plaintiff 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-02326 and in member 2:12-cv-00960; 2:12-cv-04371; 2:12-cv-01104; 2:12-cv-08619; 2:12-cv-01425; 2:12-cv-04735; 2:12-cv-04709; 2:12-cv-04312; 2:12-cv-01138; 2:12-cv-03469; 2:12-cv-04685; 2:12-cv-04540; 2:12-cv-04351; 2:12-cv-04983; 2:12-cv-05144; 2:12-cv-03582; 2:12-cv-01156; 2:12-cv-04418; 2:12-cv-05219; and 12:cv-06199. 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](http://ww.wvwd.uscourts.gov).

ENTER: December 18, 2012

  
Joseph R. Goodwin, Chief Judge

Agreed to by:

/s/ Michael Bonasso

Robert T. Adams, Esq.

Jon A. Strongman, Esq.

*Lead Counsel for Defendant Boston Scientific Corp.*

and

Michael Bonasso, Esq.

*Liaison Counsel for Defendant Boston Scientific Corp.*

/s/ Aimee Wagstaff

Aimee Wagstaff, Esq.

*Plaintiffs' Co-Lead Counsel*

**EXHIBIT A**

<b>Case Name</b>	<b>Originating Court</b>	<b>Originating Case #</b>	<b>Count of Pltfs</b>	<b>MDL Member #</b>
AMSDEN, Donna, Diane Smith, Jodi Blair, Mamie Bobick, Kathy Carsins, Diane Bachmann vs. Johnson & Johnson, Ethicon, Inc., Ethicon Women's Health and Urology, Gynecare, American Medical Systems, Inc., and Boston Scientific Corporation	USDC, Texas	3:12-cv-00848	6	2:12-cv-00960
AUTRY, Loretta and Gary W. Autry, husband & wife, Regina Crowe and Randall Crowe, husband & wife, Tammy Hughes and Donald Hughes, husband & wife, Michelle McLain and Jason McLain, husband & wife, Diane Sivley, an individual, Yvonne Tory and James R. Tory, husband & wife, Mary Ann Womac, an individual vs. Boston Scientific Corporation, Proxy Biomedical, Inc., Proxy Biomedical, Ltd., Does 1-40	USDC, Tennessee	1:12-cv-00224	7	2:12-cv-04371
BELL, Angela, Brenda Allen, Wanda Bissonnette, and Amy Charipar vs. Boston Scientific Corporation	USDC, Texas	3:12-cv-00850	4	2:12-cv-01104
BLANKENSHIP, Mildred, Lillian Christine Bierman, and John Franklin Bierman, Jr., on behalf of themselves and all others similarly situated vs. Boston Scientific, Inc.	USDC, Louisiana	5:12-cv-02764	2	2:12-cv-08619
CARLISLE, Audrey and Benny Carlisle, husband and wife; Melissa Rodriguez, an individual vs. American Medial Systems, Inc. and Boston Scientific Corporation	USDC, Minnesota	0:12-cv-00969	2	2:12-cv-01425

<p>COOPER, Annette and Samuel Cooper, Connie Seagraves and Billy Seagraves, Candy Gullatta, Annie Mason and John Mason, Pamela Bowman, Lynda Harris, Carlotta Brdar and Curtis Brdar, Pam Godley and William Godley, Kathy Venegas, Carolyn Naylor and Paul Naylor vs. American Medical Systems, Inc., Endo Pharmaceuticals, Boston Scientific Corporation (d/b/a Boston Scientific Gynecology/Urology)</p>	<p>USDC, Tennessee</p>	<p>2:12-cv-04183</p>	<p>11</p>	<p>2:12-cv-04735</p>
<p>CROUNSE, Kathryn, an Individual, Roberta Graves, an Individual, Kathy Isbell, an Individual, Virginia Myers and Arthur Myers, husband and wife vs. American Medical Systems, Inc., American Medical Systems Holdings, Inc., Endo Pharmaceuticals, Inc., Endo Pharmaceuticals Holdings, Inc., Endo Health Solutions, Inc., Boston Scientific Corporation, Does 1-40</p>	<p>USDC, Tennessee</p>	<p>2:12-cv-00285</p>	<p>4</p>	<p>2:12-cv-04709</p>
<p>DILLANDER, Rebecca, an individual, Brenda Joyce Morris and Wallace Morris, husband and wife vs. Boston Scientific Corporation, a Delaware Corporation, and Does 1-40, inclusive</p>	<p>USDC, Kentucky</p>	<p>5:12-cv-00226</p>	<p>2</p>	<p>2:12-cv-04312</p>
<p>DUGDALE, Janet, Patricia Keay, Lukeysey A. Olatunju, Betty Willis, and Albee Willis vs. Boston Scientific Corporation, Johnson &amp; Johnson, Ethicon, Inc., Ethicon Women's Health and Urology, Gynecare, and American Medical Systems, Inc.</p>	<p>USDC, Wisconsin</p>	<p>2:12-cv-00278</p>	<p>4</p>	<p>2:12-cv-01138</p>

<p>EPPERSON, Renee, Gary Epperson, Raymond Proctor, Jenette Adams, R'Lena Blank, John Blank, Carolyn Evans Butler, Dorothy Carpenter, Tonya Medley, Sandra Tilley, Ronald Tilley, Linnie Toh, Tze-Chuen Toh, Frances Vargas, and Paul Vargas vs. Boston Scientific Corporation, American Medical Systems, Inc., C.R. Bard, Inc., Johnson &amp; Johnson, Ethicon, Inc., Ethicon Women's Health and Urology, and Gynecare</p>	<p>USDC, Texas</p>	<p>3:12-cv-02097</p>	<p>9</p>	<p>2:12-cv-03469</p>
<p>GREER, Monica and Sara Moffett, on behalf of themselves and all others similarly situated, and David A. Konich vs. Boston Scientific Corporation, d/b/a Mansfield Scientific, Inc. &amp; Microvasive, Inc.</p>	<p>USDC, Kentucky</p>	<p>3:12-cv-00460</p>	<p>2</p>	<p>2:12-cv-04685</p>
<p>JACKEY, Lucinda and Victor Jackey, husband and wife, Linda Mease, an individual vs. Boston Scientific Corporation, a Delaware Corporation, and Does 1-40, inclusive</p>	<p>USDC, Kentucky</p>	<p>3:12-cv-00417</p>	<p>2</p>	<p>2:12-cv-04540</p>
<p>LASH, Tori and John Lash, husband and wife, Dina Gillespie, an Individual vs. Boston Scientific Corporation, a Delaware Corporation, Does 1-40, Inclusive</p>	<p>USDC, Tennessee</p>	<p>2:12-cv-00287</p>	<p>2</p>	<p>2:12-cv-04351</p>

<p>LUNDY, Jennifer, Patricia Alvey, William Alvey, Freida Davis, Katrina Duplass, Deborah Henzel, Carl Henzel, Cheryl Hislop, Roosevelt Sims, Jr., Chastity Jones, Lisa Jones, Deborah Legut, Michael Legut, Brenda Likens, Elizabeth Longino, Dawn Mackie, Richard Mackie, Marynell McAlister, Melissa Moreno-Matos, Sean Matos, Patricia Odom, Michelle Ross, David C. Ross, Sr., Helen Smith, Sheila Thomas, Linda Thompson, Patricia Wangerin, Thomas Wangerin, Kristina Wilken, Mark Wilken, Tina Williams, and Philip Williams vs. Boston Scientific Corporation, American Medical Systems, Inc., and C.R. Bard, Inc.</p>	<p>USDC, Texas</p>	<p>3:12-cv-02908</p>	<p>22</p>	<p>2:12-cv-04983</p>
<p>MITEMA, Sonja, Brenda Bowling, Jennifer Brown, Karen Chappell, Shyrell Copas, Doris Evans, Rebecca Hogan, Mardell Mullins, Lena Reed, Russell Reed, Brenda Rogers, Cheryl Rougeou-Carter, Carol Edward Carter, Martha Russell, David Russell, Angela Stanton, Gordon Stanton, Brenda Ann Thompson, and Walter Thompson vs. Johnson &amp; Johnson, Ethicon, Inc., Ethicon Women's Health and Urology, Gynecare, American Medical Systems, Inc., and Boston Scientific Corporation</p>	<p>USDC, Texas</p>	<p>3:12-cv-02838</p>	<p>14</p>	<p>2:12-cv-05144</p>



RAMIREZ, Patricia, Carol Addington, Frances Altheide, George Altheide, Karen Bass Brubaker; Ronda Bennett, Carlotta Biggs, Harold Wayne Biggs, Violet Fisher; Juanita Gardner; Samuel Gardner; Mary Goodlett; Melody Key, Michael Key; Carol Kiern; Richard Kiern, Jr.; Brenda King, Charlene Longmire, Susan Lord, Sarita McNair, Solio Barrera; Rhonda Mills, Vicky Morelock, Ric Morelock, Sundye Smith, Retha Street, and Pricilla Ward vs. Johnson & Johnson, Ethicon, Inc., Ethicon Women's Health and Urology, Gynecare, American Medical Systems, Inc., and Boston Scientific Corporation	USDC, Texas	3:12-cv-02095	20	2:12-cv-03582
SAMPUDA, Carla and George Sampuda, Husband and Wife, Peggy Perry and Richard Perry, Husband and Wife, Linda Bryant, an Individual vs. Boston Scientific Corporation, a Delaware Corporation, Does 1-40, Inclusive	USDC, Tennessee	2:12-cv-01156	3	2:12-cv-01156
SCHULTZ, Katherine and Robert Schultz, Sr. Husband and Wife, Rebecca Berry, and Individual, Betty McDaniel, an Individual vs. Boston Scientific Corporation, a Delaware Corporation, Does 1-40, Inclusive	USDC, Tennessee	2:12-cv-02575	3	2:12-cv-04418
THOMPSON, Connie and Linda Walker-Burnie, on behalf of themselves and all others similarly situated vs. Boston Scientific, d/b/a Mansfield Scientific, Inc., and Microvasive, Inc.	USDC, Tennessee	1:12-cv-00281	2	2:12-cv-05219

<p>TORRES-ORTIZ, Annette, Elizabeth Marquez, Evelyn Maldonado, Olga Mercedes Soto Ramirez, Nixa Jimenez Ortiz and Luis Velez and Richard Zayas on behalf of themselves and all others similarly situated vs. Johnson &amp; Johnson, Inc.; Johnson &amp; Johnson Services, Inc.; Johnson &amp; Johnson International; Ethicon, Inc.; Ethicon Women's Health and Urology, and Gynecare, Boston Scientific, D/B/A Mansfield Scientific, Inc. and Microvasive, Inc., American Medical Systems, Inc., American Medical Systems Holdings, Inc., Endo Pharmaceuticals, and Endo Pharmaceutical Holdings, Inc.</p>	<p>USDC, Puerto Rico</p>	<p>3:12-cv-01746</p>	<p>5</p>	<p>2:12-cv-06199</p>
<p><b>Totals:</b></p>			<p><b>126</b></p>	

**EXHIBIT B**

**I. For Directly Filed Cases:**

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

**CHARLESTON DIVISION**

***IN RE: BOSTON SCIENTIFIC CORP., PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION  
MDL 2326***

**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 VIRGINIA**

JANE SMITH,

Plaintiff,

v.

Civil Action No. \_\_\_\_\_  
(Severed from Civil Action  
No. \_\_\_\_\_ filed \_\_\_\_\_)

BOSTON SCIENTIFIC CORP., ET AL.,

Defendants.

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**COMPLAINT AND JURY DEMAND**