

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

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 64
(ORDER REGARDING SELECTION OF PROLIFT TRIAL PLAINTIFFS)**

1. Discovery Pool Cases. By **September 6, 2013**, the parties shall each submit a list of a total of ten (10) cases, five (5) for each side, to be included in the Discovery Pool.
2. Plaintiff Fact Sheets. By **September 27, 2013**, each Plaintiff in the Discovery Pool must serve a substantially complete Plaintiff Fact Sheet (PFS).
3. Defendant Fact Sheets. By **October 11, 2013**, Defendants shall serve a substantially completed Defendant Fact Sheet (DFS) for each case in the Discovery Pool.
4. Discovery Pool Cases Case – Specific Discovery. Case-Specific Discovery for Discovery Pool cases may commence as soon as those cases are identified. Case-Specific Depositions ordinarily shall be limited to: (1) Plaintiff(s); (2) one additional fact witness, which may include an additional physician, if the case involves a single Plaintiff; (3) implanting physician; (4) explanting physician; (5) sales representative or distributor directly associated with the sale of the product to implanting physician; and (6) any representative or any Defendant who was present in the operating room during the implantation or explantation surgeries.

5. Trial Pool Cases. By **January 6, 2014**, the parties shall each submit a list of a total of six (6) cases, three (3) for each side, to be included in the Trial Pool.
6. Bellwether Cases. The Court shall select two (2) cases to be Bellwether trial cases.
7. Trial. The bellwether trial is scheduled for August 19, 2014 at 8:30 a.m.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 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-20996. 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: August 27, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE