

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

CHARLESTON DIVISION

IN RE: COLOPLAST CORP. PELVIC SUPPORT
SYSTEMS PRODUCTS LIABILITY LITIGATION

MDL 2387

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 98
(Seventh Amended Docket Control Order –
Wave 1 Cases & General Stay of Discovery)**

By PTO # 76 (First Amended Docket Control Order – Wave 1 Cases), I directed the parties to identify cases for the Coloplast Wave 1 work up. The PTO also included scheduling deadlines for Coloplast Wave 1. By PTO # 77 (Second Amended Docket Control Order – Wave 1 Cases), I noted that the parties had advised of substantial progress in settlement efforts and, as a result, more than half of the cases identified for inclusion in Coloplast Wave 1 were in settlement mode with the potential for the remaining cases on the list to move into settlement mode. Therefore, I stayed PTO # 76 until November 23, 2015, and directed the parties to provide an updated list of cases for the Coloplast Wave 1 work up by November 19, 2015. On November 23, 2015, I entered PTO # 80 (Third Amended Docket Control Order – Wave 1 Cases) staying the deadlines for 60 days or until January 15, 2016. On January 15, 2016, by PTO # 86 (Fourth Amended Docket Control Order – Wave 1 Cases), I stayed the deadlines by another 60 days until March 15, 2016, and directed the parties to submit Plaintiff Fact Sheets and Defendant Fact Sheets. They have done so.

On March 14, 2016, the parties reported to the court that they continue to make very substantial progress in their settlement efforts and requested a stay until April 7, 2016. I granted that stay by PTO # 90 (Fifth Amended Docket Control Order – Wave 1 Cases), and stayed the deadlines originally set forth in PTO # 76 until April, 2016. In addition, I ordered that because the Wave 1 cases have not yet been designated, discovery related to Coloplast is stayed in all MDL cases that name Coloplast. By PTO # 94 (Sixth Amended Docket Control Order – Wave 1 Cases), following a meeting with the parties, I found that the parties continued to make substantial progress towards settlement. I stayed the deadlines in PTO # 76 until June 1, 2016, and ordered that discovery related to Coloplast is stayed in all MDL cases that name Coloplast.

With the June 1, 2016, deadline quickly approaching, it is **ORDERED** that the parties submit to the court, on or before **June 2, 2016**, a list of the cases by name and number that remain in MDL 2387. To the extent those cases name other defendants, the list should identify the other defendants. In sum, the court requests that the submission contain the following information for each case:

1. Case Style (including any additional defendants);
2. Case Number;
3. Date Complaint filed;
4. Additional defendants;
5. MDL 2387 product(s) for which a claim is alleged (please provide separate columns for each product);
6. Transferor District Court or, if direct filed, venue as indicated on the Short Form Complaint; and
7. Counsel (abbreviated firm name)

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2387 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 2:16-cv-04098. 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.wvsd.uscourts.gov.

ENTER: May 5, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE