

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

**IN RE: C.R. BARD, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2187

**THIS DOCUMENT RELATES TO
CIVIL ACTION NO.:**

Smith, et al. v. C. R. Bard, Inc. 2:13-cv-32433

**PRETRIAL ORDER # 119
(Order Regarding Severance of Actions)**

The complaint filed in the above-referenced action joined multiple plaintiffs whose only apparent connection with one another is that they allege they were injured by a C. R. Bard, Inc. pelvic mesh product. I **FIND** that multiple plaintiff complaints, except those complaints in which only one individual alleges using a C. R. Bard, Inc. 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. The plaintiffs have indicated they do not object to severance. 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 Exhibit A, attached hereto, **and** any plaintiff(s) who objects to severance (see paragraph 7), the remaining plaintiffs in the aforementioned case shall be dismissed without prejudice.

2. Within thirty (30) days after the entry of this Pretrial Order (“PTO”), each individual plaintiff dismissed pursuant to paragraph 1 of this PTO, 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. **Each plaintiff is reminded of her obligation to comply with Rule 4 of the Federal Rules of Civil Procedure.**

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. 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 2:10-md-02187 and in member case **2:13-cv-32433** 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 2:14-cv-13375. 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: March 28, 2014



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

MDL 2187 - EXHIBIT A

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Jeannetta Smith Frances O'Brien Kathy Landis Mary Beth Glass Marlin Glass, Jr. Lucille Maestas Karri Manitsas Mirella Martinez Joann McKeon Leta McPherson Kellie Metzler Pamela Michell Tessa Miller Roberta Mitchell Catherine Monday Amanda Morales Kim Ohrns Shannon Orndorff Christine Pacovich Josie Perez Carol Perkins Jacqueline Person Sheila Pettigrew Shirley Pirc Sherry Richardson Marsha Rodriguez Rosario Rodriguez Tammy Rullo Alfreda Schoenholtz Darla Shaver Debbie Shoemaker Eva Sink A. Danielle Skinner Nydia Sue Smith Katherine Snell Parris Springer Melissa K. Stewart Constance Taylor Jerri Tedford Toni Thompson Edna Tiner Noemi Torres Barbara Uribe	Oklahoma Western	5:13-cv-803	2:13-cv-32433

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Cynthia Waters Lula White Susan Williams Helen Schultz Gloria Schultz Sharon Rose Shenberger Sylvia Shumaker Kandi Simmons Janice Snyder Terri Sommer Rhonda Sowder Louise Spence Lorraine Strobe Kellie Summers Ruthie Thomas Betty Thompson Teresa Thompson Sharon Trader Linda Tullis Daisy Vazquez Patricia Vines Carol Waddell Carolyn Wagner Margaret Welker Patricia Whitaker Janette Wilfon Lorrie Willey Sharla Wright	Oklahoma Western	5:13-cv-803	2:13-cv-32433

Exhibit “B”

I. For Directly Filed Cases:

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

CHARLESTON DIVISION

In Re: C. R. BARD, INC.

PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION

MDL No. 2187

Civil Action No. _____

(Severed from Civil Action No. _____ filed _____)

SHORT FORM COMPLAINT

I. For All Other Cases:

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

PATRICIA BERGGREN,

Plaintiff,

v.

Civil Action No. _____
(Severed from SDWV Civil Action
No. _____ filed _____)

C. R. BARD, INC., ET AL.,

Defendants.

COMPLAINT AND JURY DEMAND