

**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
CIVIL ACTION NO.:**

Kurtz, et al. v. Johnson & Johnson, et al. 2:16-cv-3888

**PRETRIAL ORDER # 232
(Initial 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 pelvic mesh product manufactured by defendants. I **FIND** that multiple plaintiff complaints, except those complaints in which only one individual alleges using a product manufactured by defendants 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 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 on or around **May 13, 2016**.

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. **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 number. 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 **May 9, 2016**. 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-02327 and in member case **2:16-cv-3888** 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-3958. 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: April 27, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

MDL 2327 - EXHIBIT A

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Barbara Kurtz Susan Brown Carol Kiel Mary Patchan Donna Lawrence Anita Franks Teresa M. Allen Donna Cherry Karen Ladd James Ladd Ann Bulmer Sandy Grady Kathy Gullick Tyra Horton Anne Holly Anderson Tracy Sippel Aurelia Donnelly Kathryn Voltz Kathryn McDonald Victoria Sweet Cynthia Krypciak Della R. Archer Cynthia Geiwitz Sondra Forbes Alma Franco Donna Schibler Judith Smrcka Angela Bowman Iona Shelton Mamie Bennett Sherry Buchanan Tabatha Smitley Ruth Council Cheryl Relles Mary Browder Perva Leach Patricia Austin Pamela Doemling Hazel Webb Christine Mock Jennifer Mooney Nancy Tevis Donna Keeney	Texas Northern	3:16-cv-963	2:16-cv-3888

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
<p>Judy Oldfield Brenda Hildebrand Saada Berry Nancy Wojtum Deborah McNeil Reshell Washington Tressa Keith Connie Cravens Nelda Stephens Enedina Thorndike Phyllis Tanguay Helen Gray Anne-Marie Worrey Frances Milazzo Denise Griffin Barbara Hockaday Dorothy Renaud Carol Tenorio Barbara Burrows Barbara Pack Eileen Cavanaugh Sharon Daly Wanda Spangler Irma Gaytan Goldie Lam Bernice Nelson-Jones Gail Hollon Patricia Jabro Vicki Torix Patricia Morris Kathy Elswick Margaret Stapleton Brenda Joyce Timberlake-Hill Heather Owings Ann Renee Conley Frances Adams Karen Bass-Brubaker Dolores Clark Juanita Petitfills Judy Hagy Leslie Dias Terronda Mincey Joseph Owings Christina Carillo Maxine Davis Myers</p>	<p>Texas Northern</p>	<p>3:16-cv-963</p>	<p>2:16-cv-3888</p>

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Cindy Dellinger Brenda Prewitt Bobby Prewitt Debra Young Linda Bramwell Debra Buelna Shirley Wilson Carole Keary Kimberly Kinzer-Basham Jean McBay Valerie Levett Dorothy Davis Helen Hausman Deloris Harding Barbara Minard Betty Martin Debbie Stack Shirley Gilbert Mary Sperry Annie Sapp Judith Orr Mary Wilson Nicki Gonzalez Joan Lane Louise Noble Tammy Porter Trina Turpin Gail Harris Mary James Marilyn Owensby Ramona Kirksey Sandra Eutsler Lisa Poole Ellen Barnes Gail McDowell Angelica Contreras Carla Friday Katie Davidson Sally Fowks Charlene Fields Linda Grover Rubye Williams Margaret Miller Martha Reed Masie Gowens	Texas Northern	3:16-cv-963	2:16-cv-3888

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Wanda Griffis Susan Clark Marilyn Isbell Colleen Cobb Helen Roberts Nancy Djirikian Glynell McDaniel Myriam Iturres Linda Posey Julia Pillars Carol Bostwick Lucille Maxwell Diane Gravley Evelyn Craig Nellie Isaacs Gloria Cox Jacqueline Green Pamela Welch Carol Johnston Connie Buescher Peggy Mills Paulett Butcher Lori Younse Mindie Duhon Shelby Hagen Yvonne Hall Carol Capurro Grace Cartwright Lorena Cardenas Mary Kinney Linda Kirk Rosemary Kline Catherine McQuaide Patricia Jo Henson Karen Gilbert Joyce Mitchell Billie Pryce Barbara Payton Alice Hemphill Belinda Esancy Cammy Riley Taina Johnson Concepcion Clement Faith Ernst Annette Olson	Texas Northern	3:16-cv-963	2:16-cv-3888

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Patricia Strother Pamela Ripley Lisa Lozano Helen Montgomery Beverly Benjamin Edna Crauswell Emma Hughes Mildred Bell Brenda Uhlmann Sheila Murray Nancy Piercy Barbara Fry	Texas Northern	3:16-cv-963	2:16-cv-3888

Exhibit B

I. For Directly Filed Cases:

**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

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

SHORT FORM COMPLAINT

II. For All Other Cases:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

TABATHA ARNOLD, et al.

Plaintiffs,

v.

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

JOHNSON & JOHNSON, et al.,

Defendants.

COMPLAINT AND JURY DEMAND