



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA



PREPARING A SUMMONS FOR A **SHORT FORM COMPLAINT**

**MDL 2325 IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION**

STEP 1:

Determine the type of summons to be prepared.

Review the initiating document:

- If you are preparing a summons for a **Short Form Complaint**, use:

[AO 440 \(Rev. 06/12\) Summons in a Civil Action](#)

- If you are preparing a summons for an **Amended Short Form Complaint**, use:

[AO 440 \(Rev. 12/09\) Summons in a Civil Action \(for an Amended Complaint\)](#)

see [Instructions for Preparing a Summons for an Amended Short Form Complaint in an MDL 2325 Member Case.](#)

STEP 2:

If you are preparing a summons for a Short Form Complaint, complete the following sections of the AO 440 (Rev. 06/12) Summons in a Civil Action:

1. Select Southern District of West Virginia from the district court drop-down menu:

Southern District of West Virginia ▾

2. Insert the plaintiff name(s) **exactly** as they appear on the **Short Form Complaint**; alternatively, insert the name of the first plaintiff **exactly** as it appears on the **Short Form Complaint**, followed by *et al.*:

Jane Doe

Plaintiff

Jane Doe, John Doe

Plaintiff

Jane Doe, et al.

Plaintiff



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3. Insert the defendant name(s) as marked and **exactly** as they appear on the **Short Form Complaint**; alternatively, insert the name of the first marked defendant **exactly** as it appears on the **Short Form Complaint**, followed by *et al.*:

American Medical Systems, Inc.

Defendant

American Medical Systems, Inc.,
Tissue Science Laboratories Limited

Defendant

American Medical Systems, Inc., et al.

Defendant

4. Insert the name (exactly as it appears on the **Short Form Complaint**) and address of the defendant upon whom service is to be made at the following prompt:

TO: *(Defendant's name and address)*

5. Insert the name, name of the firm (if applicable) and the complete address of attorney(s) for the plaintiff(s) upon whom service of an answer or motion under Rule 12 of the *Federal Rules of Civil Procedure* is to be made at the following prompt:

the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

STEP 3:

Verify that the summons form has been accurately completed.

Before proceeding, review the summons to verify its accuracy:

- Has the correct form been used?
- Is the *Southern District of West Virginia* the selected district court?
- Do the plaintiff name(s) appear exactly as they appear on the **Short Form Complaint** or has the name of the first plaintiff followed by *et al.* been substituted?
- Do the defendant name(s) appear exactly as they appear on the **Short Form Complaint** or has the name of the first defendant selected followed by *et al.* been substituted?
- Is the name of the defendant to be served and the service address correct?
- Are the name and address information of counsel upon whom an answer or motion is to be served correct?



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STEP 4:

Save the proposed summons for later submission with the corresponding Short Form Complaint.

After completing the summons form and verifying its accuracy, save the summons by printing it to PDF or saving it to a location where it is easily retrieved.

COMMON ERRORS TO AVOID

- Do not add descriptive text to party name fields:

Jane Doe, ~~individually~~ and John Doe, ~~her husband~~
Jane Doe, ~~wife,~~ and John Doe, ~~her husband~~
American Medical Systems, Inc., ~~d/b/a~~

- Do not add the shell case civil action number to the Civil Action No. field:

Civil Action No. 2:13-cv-11111

Instead, Clerk's office staff will add the newly assigned civil action number.

- Do not insert the name of the first defendant that is printed on the **Short Form Complaint** form unless that defendant is a party to the case; instead, insert defendant name(s) that have been **MARKED** on the **Short Form Complaint** as defendant(s) to be named in the case. **DEFENDANTS WHO ARE MARKED ON THE SHORT FORM COMPLAINT ARE DEFENDANTS IN THE CASE; DEFENDANTS WHO ARE NOT MARKED ON THE SHORT FORM COMPLAINT ARE NOT DEFENDANTS IN THE CASE AND SHOULD NOT BE INCLUDED ON THE SUMMONS FORM.**
- Do not omit the address, if known, of the defendant upon whom service is to be made.
- Do not omit *Page Two* of the summons form.
- Do not flatten or save the form in a manner that disables editing; Clerk's Office staff must edit the form by inserting the newly assigned civil action number, the date the summons is issued, and the Clerk's electronic seal.