

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

**CHARLESTON DIVISION**

IN RE: COOK MEDICAL, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY LITIGATION

MDL No. 2440

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JOSEPH R. GOODWIN  
U.S. DISTRICT JUDGE

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 80  
(Order: Mandatory Settlement Conference for  
Cook Plaintiffs)**

For the reasons appearing to the court, it is **ORDERED** as follows:

1. Counsel for all plaintiffs who have alleged claims against Cook Incorporated, Cook Biotech, Inc., and Cook Medical, LLC (formerly known as Cook Medical, Inc.), (“Cook”) and whose cases have not been resolved are directed to meet and confer with Steve Bennett, John Schlafer or Patrick Reilly, of Faegre Baker Daniels, settlement counsel for Cook, on or before **June 30, 2017**, and to engage in good faith discussions about the possibility of settlement. Counsel may also contact Justin Witkin, Benjamin H. Anderson, and Martin Crump, Plaintiffs’ Liaison Counsel, regarding coordination of settlement discussions with Cook. A case may be considered resolved if Cook has received a signed settlement agreement or signed dismissal.

2. Messrs. Schlafer, Witkin, Anderson, and Crump are directed to provide a joint written report to the court via email on **July 12, 2017**, as to which Cook cases remaining in MDL No. 2440, if any, have been not resolved or dismissed.

3. Based on its review of the July 12, 2017 joint report, the court will identify cases wherein it will conduct settlement conferences in Charleston, West Virginia at the

Robert C. Byrd United States Courthouse, Room 7800 beginning at **9:00 a.m.** on **July 18, 2017** and continuing **July 19, 2017**. Parties should come prepared for evening work.

4. The court will enter an order on **July 13, 2017**, identifying the cases wherein a settlement conference will be conducted.

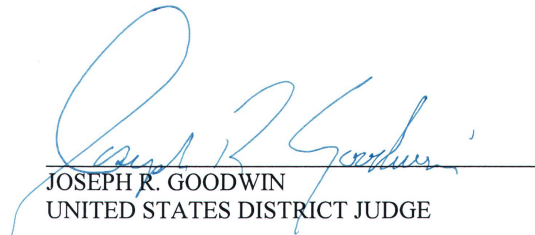
5. Individual plaintiffs whose cases are scheduled for a settlement conference shall appear in person for the settlement conference with counsel.

6. Any plaintiff who fails to comply with this PTO may be subject to a substantial sanction, including dismissal with prejudice.

7. Cases not settled during the settlement conference will be dealt with by further order.

The court **DIRECTS** the Clerk to file a copy of this order in 2:13-md-2440. 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 2:17-00071. 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](http://www.wvsd.uscourts.gov).

ENTER: June 12, 2017

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE