

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

CHARLESTON DIVISION

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

MDL NO. 2325

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 71
(Bellwether Case Selections)**

Pursuant to PTO # 37 and # 69, following submissions from the parties, the court heard the parties' presentations on bellwether case selections on June 25, 2013. The court has carefully reviewed and considered the parties' submissions and presentations and **ORDERS** that the following cases are selected (in no particular order) as bellwether cases in this MDL:

- *Lisa Fontes, et al. v. American Medical Systems, Inc.* 2:12-cv-02472
- *Joann Serrano v. American Medical Systems, Inc., et al.* 2:12-cv-03719
- *Debbie K. Jilovec v. American Medical Systems, Inc.* 2:12-cv-05561
- *Mary Weiler, et al. v. American Medical Systems, Inc.* 2:12-cv-05836

At a later date, I will choose from among these cases, the two cases which must be ready for trial on December 3, 2013, and from those two cases, the case which will be tried beginning on December 3, 2103. I will do the same for the May 6, 2014 trial, and will hear from counsel before making any of these determinations.

At the bellwether presentations, I agreed to permit the submission of 3 POP cases per side, with selection of two POP cases in November, 2013. I stated that a POP case will be tried in the

third round of trials, which begins on July 29, 2014 for AMS. The parties will submit a schedule for the submission of the POP cases by **July 12, 2013**.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 *and in each of the cases listed above*, 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 2:13-cv-14866. 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: July 1, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE