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

CHARLESTON DIVISION

IN RE: ETHICON, INC.
       PELVIC REPAIR SYSTEMS
       PRODUCT LIABILITY LITIGATION   MDL No. 2327

THIS DOCUMENT RELATES TO ALL
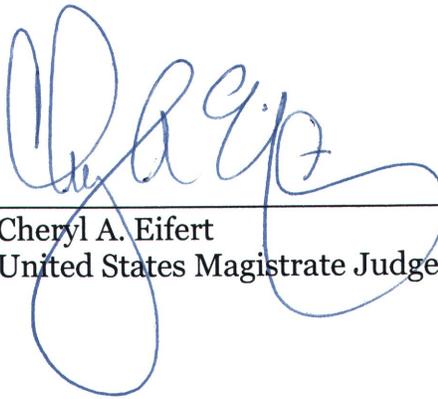WAVE 1 CASES

PRETRIAL ORDER # 216
(Plaintiffs' Emergency Motion to Reconsider the Scope of Wave 1 DMEs)

Pending is Plaintiffs' Emergency Motion to Reconsider the Scope of Wave 1 Defense Medical Exams. (ECF No. 1912). The parties promptly briefed the issues, and a hearing was held on Friday, March 11, 2016. After hearing the arguments of counsel, the court **DENIED** Plaintiffs' motion for the reasons stated during the hearing. Plaintiffs are not permitted to audio or video-record Defendants' Rule 35 medical examinations. However, after some discussion, the parties agreed that Plaintiffs, who do not otherwise qualify for a caretaker or companion, may choose at their own expense, to have a family member or close personal friend (not a representative, employee, contractor, agent, etc... of Plaintiffs' counsel, however) accompany them and be present during the IME. This order is supplemented by the transcript of the hearing, if a transcript is filed with the Clerk.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02327 and in the Ethicon Wave 1 cases. In cases subsequently filed in this district after 2:16-cv-02350, 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 **http://www.wvsd.uscourts.gov.**

 ENTERED: March 11, 2016

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Cheryl A. Eifert
United States Magistrate Judge