

**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

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THIS DOCUMENT RELATES TO ALL CASES  
IN THE ETHICON MDL ALLEGING CLAIMS AGAINST  
ETHICON, INC., JOHNSON & JOHNSON, AND/OR  
ETHICON, LLC

**PRETRIAL ORDER # 240  
(Order re: Production of Case-Specific Information  
for Ethicon MDL Plaintiffs)**

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

- A. **Existing Cases pending as of September 1, 2016.** For every case in MDL 2327 alleging claim(s) against Ethicon, Inc.,<sup>1</sup> Johnson & Johnson<sup>2</sup> and/or Ethicon, LLC<sup>3</sup> (collectively referred to as “Ethicon”) as of September 1, 2016, that is not settled and either dismissed with or without prejudice or placed on the Inactive Docket, plaintiffs are directed to provide the following documents to counsel for Ethicon on or before **November 14, 2016**;

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<sup>1</sup> Ethicon, Inc. and Ethicon, LLC include the following entities and any variation of the following entities: Ethicon, Ethicon, Inc., Ethicon, LLC., Ethicon Business Unit, Ethicon Endo-Surgery Services, L.P., Ethicon Endo-Surgery, Inc., Ethicon Endo-Surgery, LLC, Ethicon Franchise, Ethicon Health Solutions Inc., Ethicon LTD, Ethicon P R Holdings, Ethicon SARL, Ethicon SAS, Ethicon US, LLC, Ethicon Woman’s Health and Urology, Ethicon Women’s Health and Urology and Gynecare.

<sup>2</sup> Johnson & Johnson includes the following entities and any variation of the following entities: Johnson & Johnson, Johnson & Johnson Co., Johnson & Johnson Co., Inc., Johnson & Johnson Inc., Johnson & Johnson Consumer Companies, Inc., Johnson & Johnson Corporation, Johnson & Johnson Health Care Systems Inc., Johnson & Johnson International, Johnson & Johnson Medical, LTD, Johnson & Johnson Medical GmbH, Johnson & Johnson Medical S.A., Inc., Johnson & Johnson Neuchatel, Johnson & Johnson Sales and Logistics Company, LLC, and Johnson & Johnson Services, Inc.

<sup>3</sup> See Footnote 1.

1. Proof of product identification for Ethicon product(s) for which a claim is alleged; and
2. Operative reports<sup>4</sup> demonstrating implantations, revisions and/or removals of Ethicon product(s) for which a claim is alleged.

Plaintiffs are instructed to email the above documents to counsel for Ethicon at [PTO240@butlersnow.com](mailto:PTO240@butlersnow.com).

3. Any plaintiff with an active case pending in the Ethicon MDL who has previously provided Ethicon with the documents identified in A(1)-(2) may, through her counsel, submit a Certification to Ethicon at [PTO240@butlersnow.com](mailto:PTO240@butlersnow.com) confirming that these documents have been provided to counsel for Ethicon. If counsel for Ethicon disagrees, Ethicon shall try resolve any issues with plaintiff's counsel and if those issues cannot be resolved informally, shall bring them to the attention of the court.

**B. Cases Filed or Transferred after September 1, 2016.** For cases filed in or transferred to the Ethicon MDL after September 1, 2016, plaintiffs with a case as described in Paragraph A that is not settled and either dismissed with or without prejudice or on the Inactive Docket must provide the above-referenced documents within 30 days of filing the Short Form Complaint or transfer by the MDL Panel. Plaintiffs are instructed to email the above documents to counsel for Ethicon at [PTO240@butlersnow.com](mailto:PTO240@butlersnow.com).

**C. Cases Transferred from another MDL.** For cases transferred from another MDL pending before Judge Goodwin after the date of entry of this PTO, plaintiffs with a case as described in Paragraph A that is not settled and either dismissed with or without prejudice or on the Inactive Docket must provide the above-referenced documents within 30 days of

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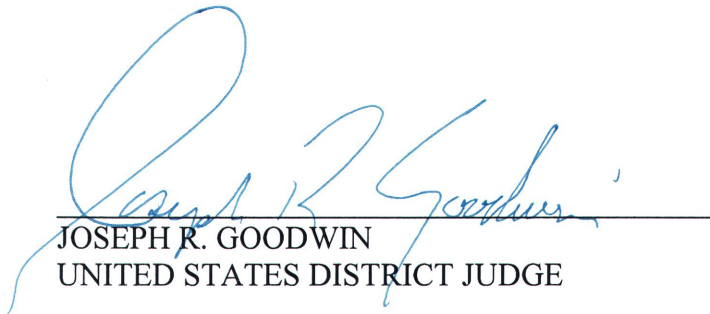
<sup>4</sup> Plaintiffs shall provide the operative report *only* and need not provide other related medical records and documents often associated with the operative report.

entry of the order granting a motion to transfer MDLs. Plaintiffs are instructed to email the above documents to counsel for Ethicon at [PTO240@butlersnow.com](mailto:PTO240@butlersnow.com).

- D. This PTO does not in any way relieve plaintiffs from their obligation to serve a Plaintiff Profile Form as outlined in PTO # 17 (Plaintiff Profile Forms, Plaintiff Fact Sheet, and Defendant Fact Sheets).
- E. Any plaintiff who fails to comply with this PTO may be subject to a substantial sanction, including dismissal with prejudice.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 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-09430. 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: October 11, 2016



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE