

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

CHARLESTON DIVISION

IN RE: COLOPLAST CORP.,
PELVIC SUPPORT SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2387

THIS DOCUMENT RELATES TO THE CASES IDENTIFIED
ON THE EXHIBIT ATTACHED HERETO:

SHOW CAUSE ORDER

On September 21, 2018, the court entered an Order directing the plaintiffs identified on Exhibit A to meet and confer with settlement counsel for defendants Coloplast Corporation, RTI Biologics and/or Mentor Worldwide LLC (“Coloplast”) on or before November 2, 2018. *See* Pretrial Order (“PTO”) # 140. I also notified certain parties by Coloplast PTO # 143 that for the cases that did not settle during these negotiations, I would conduct settlement conferences on December 4-5, 2018. *See* PTO # 143.

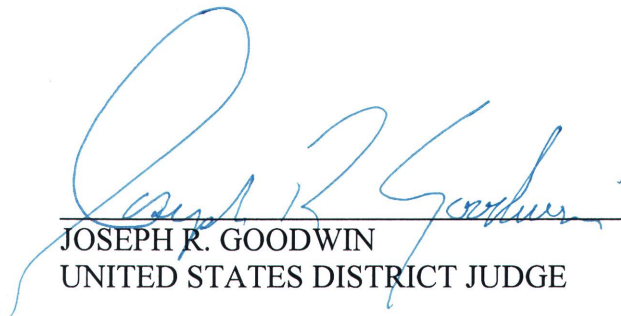
Pursuant to PTO # 143, on November 13, 2018, I directed the parties and their counsel of record to appear in person at the Robert C. Byrd United States Courthouse for a Mandatory Settlement Conference scheduled between December 4-5, 2018. *See* PTO # 143. Again, I warned that any failure to comply with this directive may result in a substantial sanction, including the dismissal of their case with prejudice.

Despite these warnings, the plaintiffs identified on Exhibit A (attached hereto) failed to comply with PTO # 140 and PTO # 143, including failing to appear in person at the Mandatory Settlement Conference as directed. Nothing in the record suggests that the plaintiffs identified on Exhibit A believed in good faith that they were relieved from the obligation to attend the Mandatory Settlement Conference.

The court **ORDERS** that plaintiffs identified on Exhibit A show cause **on or before January 4, 2019**, why their case should not be dismissed with prejudice pursuant to Rule 16(f) of the Federal Rules of Civil Procedure for failure to attend the Mandatory Settlement Conference as directed in PTO # 140 and PTO # 143. The court further **ORDERS** that where a plaintiff is represented, counsel for each plaintiff listed on Exhibit A notify each plaintiff he or she represented of this Order, and counsel shall preserve evidence of compliance with this Order. If plaintiffs identified on Exhibit A do not show cause on or before January 4, 2019, the court will, either by motion or on its own accord, dismiss such cases with prejudice pursuant to Rule 16(f) of the Federal Rules of Civil Procedure.

The court **DIRECTS** the Clerk to file a copy of this order in *In re: Coloplast Corp., Pelvic Support Products Liability Litigation*, 2:12-md-2387 and in each individual case listed on Exhibit A attached. The court further **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party, and to post a copy of this Order on the Court's website for 30 days at www.wvwd.uscourts.gov.

ENTER: December 6, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

	Civil Action No.	Case Name
1	2:13-cv-20222	Goss v. Mentor Worldwide LLC et al
2	2:14-cv-25814	Babin et al v. Coloplast Corp.
3	2:14-cv-11322	Kumar v. Coloplast Corp.
4	2:13-cv-15065	Smith v. Coloplast Corp.
5	2:15-cv-01733	Herrera v. Coloplast Corp.
6	2:13-cv-07125	Little v. Mentor Worldwide LLC