

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

**CHARLESTON DIVISION**

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

MDL NO. 2325

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

**SHOW CAUSE ORDER**

On October 17, 2018, the court entered an Order directing the plaintiffs identified on Exhibit A to meet and confer with settlement counsel for defendants American Medical Systems, Inc. or Astora Women's Health, LLC (as successor in interest to American Medical Systems, Inc.'s women's health business) (collectively "AMS")<sup>1</sup> on or before November 2, 2018. *See* Pretrial Order ("PTO") # 265. I also notified certain parties by AMS PTO # 268 that for the cases that did not settle during these negotiations, I would conduct settlement conferences on December 5-7, 2018. *See* PTO # 268.

Pursuant to PTO # 268, on November 8, 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 5-7, 2018. *See* PTO # 268. 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 # 265 and PTO # 268, including failing to appear in person at the Mandatory

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<sup>1</sup> AMS includes any incorrect or incomplete spellings of American Medical Systems, Inc. or Astora Women's Health, LLC, as well as any improperly named successors or parent or affiliated companies, including but not limited to Astora Holdings, LLC, Astora Women's Health Holdings, LLC, and Astora Women's Health Holdings, Inc.

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 claims against AMS 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 # 265 and PTO # 268. 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 claims against AMS 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: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation*, 2:12-md-2325 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.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

ENTER: December 11, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

## EXHIBIT A

	<b>Civil Action No.</b>	<b>Case Name</b>
1	2:13-cv-07668	Felder v. American Medical Systems, Inc.
2	2:13-cv-21175	Ybarra v. American Medical Systems, Inc.
3	2:13-cv-18022	Price v. American Medical Systems, Inc.
4	2:13-cv-32625	Bonacci v. American Medical Systems, Inc.
5	2:13-cv-21532	Nehls et al v. American Medical Systems, Inc.
6	2:12-cv-04039	Febus v. American Medical Systems, Inc. et al
7	2:12-cv-05620	Maynard v. American Medical Systems, Inc. et al
8	2:13-cv-15664	Whatley v. American Medical Systems, Inc.
9	2:13-cv-19227	Gaither v. American Medical Systems, Inc.
10	2:13-cv-19841	Stukas et al v. Boston Scientific Corporation et al
11	2:13-cv-24361	Jaghamin v. American Medical Systems, Inc.
12	2:13-cv-32662	Grice v. American Medical Systems, Inc.
13	2:14-cv-03520	Marburger v. American Medical Systems, Inc.
14	2:14-cv-07382	Vincent et al v. American Medical Systems, Inc.
15	2:14-cv-10684	Baghvardani v. American Medical Systems, Inc.
16	2:14-cv-21401	Bradshaw v. C. R. Bard, Inc. et al
17	2:13-cv-07902	Hamby v. American Medical Systems, Inc.
18	2:18-cv-00598	Johns v. American Medical Systems, Inc. et al