

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

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

SHOW CAUSE ORDER

On March 19, 2018, I entered an order directing the plaintiffs identified on Exhibit A (attached hereto) to meet and confer with settlement counsel for defendant American Medical Systems, Inc. (“AMS”) on or before May 14, 2018, and to engage in good faith discussions about the possibility of settlement. *See* Pretrial Order (“PTO”) # 251. Should the cases on Exhibit A remain unresolved after May 18, 2018, I advised the parties in the same PTO, the court would order their presence in Charleston, West Virginia, at the Robert C. Byrd United States Courthouse for a Mandatory Settlement Conference, which would be confirmed by a later court order. In addition, I warned any failure to comply with PTO # 251 may result in a substantial sanction, including the dismissal of their case with prejudice.

Pursuant to PTO # 253, on May 22, 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 June 6-8, 2018. *See* PTO # 253. 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.

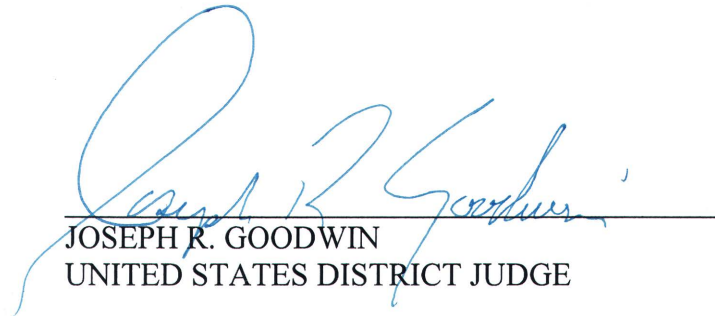
Despite these warnings, the plaintiffs identified on Exhibit A failed to comply with PTO # 251 and PTO # 253, including failing to appear in person at the Mandatory Settlement Conference as directed. Nothing in the record suggests that the plaintiffs identified on Exhibit A believed in good faith that they were relieved from their obligation to attend the Mandatory Settlement Conference.

The court **ORDERS** that plaintiffs identified on Exhibit A show cause on or before **July 6, 2018**, 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 # 251 and PTO # 253. The court further **ORDERS** that where plaintiff is represented, counsel for each plaintiff listed on Exhibit A notify each plaintiff he or she represents of this Order, and counsel shall preserve evidence of compliance with this order. If the plaintiffs identified on Exhibit A do not show cause on or before **July 6, 2018**, 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: American Medical Systems, Inc., Pelvic Repair 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 at www.wvwd.uscourts.gov.

ENTER: June 12, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

Count	Civil Action Number	Case Name
1	2:15-cv-13346	Stahlecker v. American Medical Systems, Inc. et al
2	2:12-cv-06784	Hubbard v. American Medical Systems, Inc. et al
3	2:13-cv-07335	Murphy et al v. American Medical Systems, Inc.
4	2:13-cv-15663	Holland v. American Medical Systems, Inc.
5	2:13-cv-15664	Whatley v. American Medical Systems, Inc.
6	2:13-cv-25062	Yera v. American Medical Systems, Inc.
7	2:13-cv-26072	Osborne et al v. American Medical Systems, Inc.
8	2:13-cv-27142	Strickland v. American Medical Systems, Inc.
9	2:13-cv-29343	Koontz v. American Medical Systems, Inc.
10	2:13-cv-30688	Wilson v. American Medical Systems, Inc.
11	2:14-cv-00631	Burgess et al v. American Medical Systems, Inc.
12	2:14-cv-06433	Hunt v. American Medical Systems, Inc.
13	2:14-cv-07316	Brossette et al v. American Medical Systems, Inc.
14	2:14-cv-08325	Hamelton v. American Medical Systems, Inc.
15	2:14-cv-13122	McKelvey v. American Medical Systems, Inc.
16	2:14-cv-15923	Pomak v. American Medical Systems, Inc.
17	2:14-cv-16757	Matacchiera et al v. American Medical Systems, Inc.
18	2:14-cv-26080	Nuckols v. American Medical Systems, Inc.
19	2:17-cv-01129	Baquero v. American Medical Systems, Inc.