

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: C.R. BARD, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL No. 2187

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 170

(Motion of Defendants' Tissue Science Laboratories and Sofradim Production for Leave to File Amended Master Long Form Answers and Affirmative Defenses to Plaintiffs' Master Long Form Complaint and Cross-Claims Against C. R. Bard, Inc., and Jury Demand)

Pending before the court is the motion of defendants' Tissue Science Laboratories ("TSL") and Sofradim Production ("Sofradim") for Leave to File Amended Master Long Form Answers and Affirmative Defenses to Plaintiffs' Master Long Form Complaint and Cross-Claims Against C. R. Bard, Inc., and Jury Demand [Docket 1350]. C. R. Bard, Inc. ("Bard") has filed a response [Docket 1418], and TSL and Sofradim have filed a reply [Docket 1434]. Thus, the motion is ripe for review. For the reasons explained below, the motion is **GRANTED**.

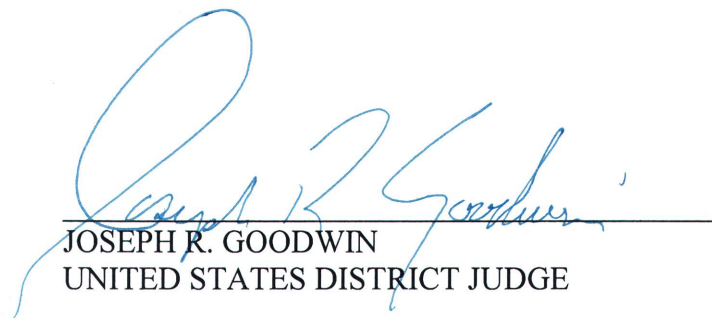
TSL and Sofradim seek leave to amend their responses to the MDL Plaintiffs' Master Long Form Complaint and "to assert cross-claims against Bard related to the disputed indemnification, defense, and insurance provisions." (TSL & Sofradim's Mem. in Supp. [Docket 1351], at 7); *see generally* Fed. R. Civ. P. 15(a)(2) ("[A] party may amend its pleading only with the opposing party's written consent or the court's leave."). Federal Rule of Civil Procedure 15 provides that "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Upon full and careful consideration, I **FIND** that justice requires the filing of amended responses to the MDL Plaintiffs' Master Long Form Complaint, cross-claims against Bard, and a jury demand.

Therefore, it is **ORDERED** that TSL and Sofradim's motion is **GRANTED** [Docket 1350]. The court **DIRECTS** the Clerk to file the Amended Master Long Form Answers and Affirmative Defenses to Plaintiffs' Master Long Form Complaint and Cross-Claims Against C. R. Bard, Inc., and Jury Demand found at Docket No. 1350-1 and Docket No. 1350-2.

It is further **ORDERED** that on **April 9, 2015** at **10:00 a.m.** the court will conduct a scheduling conference in chambers pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. All counsel are directed to appear in person.

The court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-02187 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 2:15-cv-03499. 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.wvsc.uscourts.gov.

ENTER: March 24, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE