

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

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

MDL NO. 2325

**THIS DOCUMENT RELATES TO
CIVIL ACTION NO.:**

Saffell, et al. v. American Medical Systems, Inc., et al. 2:17-cv-03336

**PRETRIAL ORDER # 241
(Initial Order Regarding Severance of Actions)**

The complaint filed in the above-referenced action joined multiple plaintiffs whose only apparent connection with one another is that they allege they were implanted with an American Medical Systems, Inc. (“AMS”) pelvic mesh product and possibly others. I **FIND** that multiple plaintiff complaints, except those complaints in which only one individual alleges using an AMS product but another derivative plaintiff is named as well (e.g. cases in which a spouse is asserting only a loss of consortium claim), should be severed. Accordingly, to resolve any misjoinder concerns and to facilitate the efficient administration of these actions, it is **ORDERED** as follows:

1. Except for the first named plaintiff (and derivative plaintiff(s) claiming under her, if any) listed in Exhibit A, attached hereto, **and** any plaintiff(s) who objects to severance (see paragraph 7), the remaining plaintiffs in the aforementioned case shall be dismissed without prejudice on or around **July 10, 2017**.

2. Within thirty (30) days after the entry of this Pretrial Order (“PTO”), each individual plaintiff dismissed pursuant to paragraph 1 of this PTO who did not object to severance and any derivative plaintiff claiming under her, may file an individual severed complaint to continue the prosecution of the claims they alleged in the dismissed civil action. Each such plaintiff may choose to file in this court, a Short Form Complaint in the form available on the court’s website. **Each plaintiff is reminded of her obligation to comply with Rule 4 of the Federal Rules of Civil Procedure.**

3. Any Short Form Complaint filed by a severed plaintiff must be accompanied by the appropriate filing fee, and assigned a separate civil action number determined by the Clerk.

4. Any severed plaintiff who wishes to name as defendants parties who are not listed in the current Master Long Form Complaint as defendants must file an individual complaint in the District Court where such action properly can be filed and await transfer by the Judicial Panel on Multidistrict Litigation (the “Panel”).

5. Any re-filed action (whether filed in another district or in the Southern District of West Virginia) shall refer to the dismissed civil action number. This information must be added to the Short Form Complaint immediately under the Civil Action Number or to the style of the long form complaint immediately under the Civil Action Number assigned by the Clerk in the district where the action is filed. (*See Exhibit B, attached hereto.*)

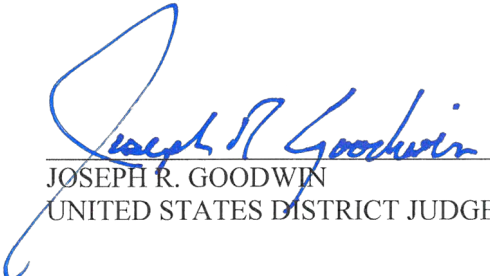
6. Any individual Complaint filed within the time provided by this PTO will be deemed to have been filed on and relate back to the original filing date of the applicable multi-plaintiff civil action. Any statute of limitations defense that existed as of the filing dates of the original multi-plaintiff complaints shall be preserved.

7. Any plaintiff(s) who objects to this PTO must do so within ten (10) days of entry of this PTO or by **July 3, 2017**. Such plaintiff should file her objections in the Southern District of West Virginia in the original multi-plaintiff case, with any objection not to exceed two (2) pages. Any plaintiff(s) who objects shall not be severed until such objection is resolved by the court.

8. The court **DIRECTS** the Clerk to place a copy of this PTO in each re-filed action filed pursuant to this PTO that is directly filed in the Southern District and in each re-filed action filed pursuant to this PTO that is transferred by the Panel on the date the case is opened in the Southern District.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02325 and in member case **2:17-cv-03336** 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 2:17-cv-03345. 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.

ENTER: June 22, 2017


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

MDL 2325 - EXHIBIT A

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Irma Saffell Carla Pineda Terri Lee Strawn Bertha Garcia Linda Susan Zamarripa Carolyn M. Brooks Norma Thomas Claudine Taylor Sonya R. Light Elizabeth Cherry Dorothy Kilburn Freida Horton Rose Collier Marcella Brink Teresa Armer Jean Byrum Tammy Louise Rogers Fliuppa Trupiano Emily Anderson Jeanette Mee Gina Newman-Lane Elizabeth Arellano Sheryl Bliss Valeria Johnson Barbara Zarvis Celia M. Nabel Sarah Moran Barbara Ross Penny Peters Mary Kirk Ivy Reeves Ethel Murtagh Debra S. Reynolds Vivian Smith Linda Jay Pamala Wahlborg Sally Dickerson Maureen Lynch Rebecca Stirnaman Rosalyn Harris Lynda Helig Elizabeth Ann Maxon Patsy Smith	California Central	2:17-cv-04119	2:17-cv-03336

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Debra Lynch Mary Murphy Kimberly A. Drier Melazie Martindale Dolores Herbert Helen Fontenot Santa Stamps Susan C. Willis Corinne Modugno Kathleen Walker Cheryl Hogan Linda Hudson Rhonda Gordon Donna Steele Brenda Maycroft Sandra Kerr Lori Riordan Patricia Gooch Patricia Willemsen Saundra Ingram Janet Wyllie June I. Larock Patricia M.Tiede Marcy Sims Martha Lake Marguerite Steele Karen L. McClintogk Edith Roskey Debra Goble Jean Moos Shari Lucas Mary Anderson Mona L. Carey Barbara W. Jordan Dorothy Sue Smith Janet L. Norton Cynthia Armstrong Mildred H. Rubio Angela Harris Michelle Bell Donna Beane Rose Ledfor Mary Ann Scott Betty Adams Jean D. Winstead	California Central	2:17-cv-04119	2:17-cv-03336

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Gail Thornton Marian Eschliman Kim Freeman Danielle C. Merritt Meli Morley Kathleen D. Dato Jill Van Valkenburgh Sarah Hall Carol Ann May Cartherine Bell Sandra Green Jacqueline Prine Rebecca Snavely Susan Roberts Regina Hicks Michele McCreery Gail L. Silkey Kelly King Bonnie L. Countess-Hewes Jennifer Goodall Carolin B. Hinds Kathy Bower Janette Wood Katy Thompson Tammy Kidd Connie Bumbarger Maureen Gavin Luz Ayala Tanon Teresa Hinson Rhonda Burke Clarita Miller Susan Partridge Susan Bailey Patel Julie Jones Judi Roberts Cynthia L. Lu Martha Wright Leola J. Shoemaker Alicia Lequire Diana Fillers Melissa Lovely Rebecca Darlene Connell Debra Weick Theresa G. Barnes Cristina Arcia	California Central	2:17-cv-04119	2:17-cv-03336

Plaintiffs	Originating District	Originating Case No.	SDWV – MDL Member Case No.
Anita H. McKee Dixie Young Barbara L. Russell Kelly McDonald Sammye Compton Sarah Rivas Janet Rickard Barbara Aldes Sandra Tomlinson Roxanne Hanson Lorelle Ward Shirley Mims Kathleen Foote Bonnie Quick Lena Adama Kathryn Jones Patricia Blankenship Mary Rumheller Nellie R. Weigel Tammy Rhoades Pamela Myers Michael Arnold Theresa Parker Collene Euphima Clift Dian Berg Diane M. Pivonka Brenda Patrick Kelley Bommer	California Central	2:17-cv-04119	2:17-cv-03336

Exhibit B

I. For Directly Filed Cases:

**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***

**Civil Action No. _____
(Severed from Civil Action No. _____)**

SHORT FORM COMPLAINT

II. For All Other Cases:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

TABATHA ARNOLD, et al.,

Plaintiffs,

v.

**Civil Action No. _____
(Severed from SDWV Civil Action
No. _____)**

American Medical Systems, Inc., et al.,

Defendants.

COMPLAINT AND JURY DEMAND