

**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 2325**

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**THIS DOCUMENT RELATES TO ALL CASES IDENTIFIED ON THE ATTACHED  
EXHIBITS A AND B**

**PRETRIAL ORDER # 265  
(Order re: Mandatory Settlement Conference for  
Certain Unresolved Cases)**

For reasons appearing to the court, it is **ORDERED** as follows:

1. Counsel for plaintiffs in the cases identified on the attached Exhibit A, who have alleged claims against 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") are directed to meet and confer with Reisman Karron Greene LLP,<sup>1</sup> settlement counsel for AMS, on or before November 2, 2018, and to engage in good faith discussions about the possibility of settlement. Counsel may also contact Bryan Aylstock,

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<sup>1</sup> Counsel at Reisman Karron Greene LLP who may be contacted include Ellen Reisman, Ethan Greene, Dorian Hurley, and Amy Rohe. Ms. Reisman may be reached at (202) 695-7712 or Ellen.Reisman@rkgattorneys.com. Ethan Greene may be reached at (202) 695-7798 or Ethan.Greene@rkgattorneys.com. Dorian Hurley may be reached at (202) 695-7719 or Dorian.Hurley@rkgattorneys.com. Amy Rohe may be reached at (202) 695-7732 or Amy.Rohe@rkgattorneys.com.

Derek Potts, Henry Garrard, or Fred Thompson, co-lead counsel for the plaintiffs, regarding coordination of settlement discussions with AMS.<sup>2</sup>

2. As to the cases identified on Exhibit B, those cases, to the extent they are on the inactive docket, are returned to the active docket and the Clerk is **DIRECTED** to remove the inactive flag. Counsel for plaintiffs in the cases identified on Exhibit B, who have alleged claims against 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") are directed to meet and confer with Reisman Karron Greene LLP, settlement counsel for AMS, on or before November 2, 2018, and to engage in good faith discussions about the possibility of settlement. Again, counsel may also contact Mr. Aylstock, Mr. Potts, Mr. Garrard, or Mr. Thompson, co-lead counsel for the plaintiffs, regarding coordination of settlement discussions with AMS.
3. Messrs. Aylstock, Garrard, Potts and Thompson and AMS Settlement Counsel are directed to provide a joint written report to the court via email on November 6, 2018, identifying which cases remaining on Exhibits A and B, if any, have not been resolved or dismissed.
4. On November 8, 2018, the court will enter an order identifying the cases where a settlement conference will be conducted because the case was not resolved or dismissed. That order will identify on which of the following dates the parties in each case must appear for the settlement conference: **December 5, 6, or 7, 2018 or such other date as set by the Court.** Each day, the settlement conferences will begin at 9:00 a.m. in Charleston, West Virginia at the Robert C. Byrd United States Courthouse (Room number will be provided in the

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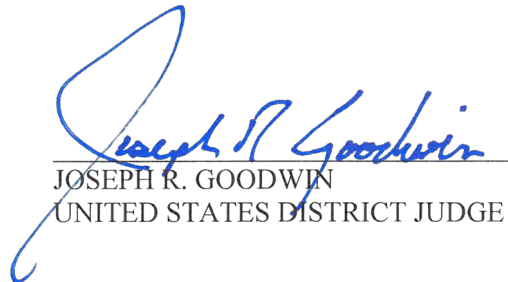
<sup>2</sup> Mr. Garrard may be reached at (706) 354-4000 or [hgg@bbgbalaw.com](mailto:hgg@bbgbalaw.com). Mr. Aylstock may be reached at (850)202-1010 or [baylstock@awkolaw.com](mailto:baylstock@awkolaw.com). Mr. Thompson may be reached at (843)202-9118 or [ftompson@motleyrice.com](mailto:ftompson@motleyrice.com). Mr. Potts may be reached at (713)963-8881 or [dpotts@potts-law.com](mailto:dpotts@potts-law.com).

November 8, 2018 order). Settlement conferences will continue in each case from day-to-day and parties should come prepared for evening work.

5. Individual plaintiffs whose cases are scheduled for a settlement conference shall appear in person for the settlement conference along with counsel of record.
6. Any plaintiff who fails to comply with this PTO may be subject to a substantial sanction, including dismissal with prejudice.
7. Cases not settled during the settlement conference will be dealt with by further order.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 and in the cases listed on Exhibits A and B. The orders may be accessed through the CM/ECF system or the Court's website at [www.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

ENTER: October 17, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**EXHIBIT A**

|    | <b>CIVIL ACTION NO.</b> | <b>PLAINTIFFS' NAME</b> | <b>PLAINTIFFS' COUNSEL</b>  |
|----|-------------------------|-------------------------|---|
| 1  | 2:15-cv-08736           | HOLMAN, SUSAN           | ALVAREZ LAW OFFICE  |
| 2  | 2:12-cv-00144           | OGAS, GLORIA JEAN       | AYLSTOCK, WITKIN, KREIS & OVERHOLTZ / FRANKOVITCH, ANETAKIS, COLANTONIO & SIMON / FITZSIMMONS LAW FIRM / LAW OFFICES OF ROBERT L. SALIM / SALIM BEASLEY |
| 3  | 2:15-cv-01989           | HAYS, RUTH              | BARON & BUDD  |
| 4  | 2:18-cv-00920           | JOHNSON, DOREEN         | BERNSTEIN LIEBHARD  |
| 5  | 2:18-cv-00918           | SILVA, CARMEN           | BERNSTEIN LIEBHARD  |
| 6  | 2:18-cv-00917           | KOPPLIN, KRISTIN        | BERNSTEIN LIEBHARD  |
| 7  | 2:18-cv-00922           | LUCAS, KRYSTINA         | BERNSTEIN LIEBHARD  |
| 8  | 2:18-cv-00919           | NIKOLAI, LINDA          | BERNSTEIN LIEBHARD  |
| 9  | 2:18-cv-00925           | PERKINS, JANET          | BERNSTEIN LIEBHARD  |
| 10 | 2:18-cv-00923           | YOUNG, LINDA            | BERNSTEIN LIEBHARD  |
| 11 | 2:18-cv-00924           | ZARAGOZA, NICOLE        | BERNSTEIN LIEBHARD  |
| 12 | 2:13-cv-10975           | FERRER, LUCIA M.        | BLASINGAME, BURCH, GARRARD & ASHLEY   |
| 13 | 2:18-cv-00371           | CRESPO (DIAZ), MAGALY   | BOSSIER & ASSOCIATES  |
| 14 | 2:18-cv-01064           | LEE, LAURA              | CLARK, LOVE & HUTSON  |
| 15 | 2:18-cv-00549           | JOHNSON, SANDRA         | FISCHER REDAVID   |
| 16 | 2:18-cv-00528           | LARSEN, ROSALIE         | GALLAGHER & KENNEDY   |
| 17 | 2:18-cv-01031           | BURGUT, UMRAN           | GITLIN, HORN & VAN DE KLEFT   |
| 18 | 2:18-cv-01032           | STROCK, BETTY           | GITLIN, HORN & VAN DE KLEFT   |
| 19 | 2:18-cv-01301           | WRIGHT, VICKI           | HOLLIS LAW FIRM   |
| 20 | 2:12-cv-08403           | NOORDEH, CHERYL         | KELLEY, BERNHEIM & DOLINSKY   |
| 21 | 2:18-cv-00598           | JOHNS, NANCY            | LESLIE LAW FIRM, LLC  |
| 22 | 2:14-cv-18111           | JOHNSON, JULIANNE       | MCGOWAN, HOOD & FELDER  |
| 23 | 2:14-cv-22484           | TYLER, PATRICIA         | MCGOWAN, HOOD & FELDER  |
| 24 | 2:18-cv-01150           | CONWAY, PAULA           | MILLER FIRM   |
| 25 | 2:18-cv-00067           | ARNDT, NANCY            | MOLL LAW GROUP  |
| 26 | 2:18-cv-00076           | ROMAN, JIMENA           | MOLL LAW GROUP  |
| 27 | 2:18-cv-01011           | SHERRIN, LAURIE         | MOLL LAW GROUP  |
| 28 | 2:18-cv-01009           | STANKOWICZ, CYNTHIA     | MOLL LAW GROUP  |
| 29 | 2:18-cv-01010           | ZAVODNY, LYNN           | MOLL LAW GROUP  |
| 30 | 2:18-cv-01182           | GILLIAM, JEMIKA         | MOONEYHAM BERRY   |
| 31 | 2:13-cv-09079           | FREIRE, ANGELINA        | MOTHERWAY & NAPLETON  |
| 32 | 2:18-cv-00887           | PAUL, DEANNE            | OLIVER LAW GROUP  |
| 33 | 2:15-cv-08703           | GALSTER, SANDRA         | PHILLIPS LAW OFFICES  |
| 34 | 2:14-cv-10892           | MCLEAN, SAMANTHA        | PHILLIPS LAW OFFICES  |
| 35 | 2:14-cv-10684           | BAGHVARDANI, FATOUMEH   | PRO SE  |
| 36 | 2:12-cv-04039           | FEBUS, SANDRA LEE       | PRO SE  |
| 37 | 2:13-cv-19227           | GAITHER, MITZI          | PRO SE  |
| 38 | 2:13-cv-32662           | GRICE, WANDA            | PRO SE  |

**EXHIBIT A**

|    |               |                           |                         |
|----|---------------|---------------------------|-------------------------|
| 39 | 2:13-cv-24361 | JAGHAMIN, PATRICIA        | PRO SE                  |
| 40 | 2:14-cv-03520 | MARBURGER, BARBARA        | PRO SE                  |
| 41 | 2:13-cv-19988 | MARTIN, LAURA             | PRO SE                  |
| 42 | 2:12-cv-05620 | MAYNARD, CONNIE CHRISTINE | PRO SE                  |
| 43 | 2:13-cv-19841 | STUKAS, ADELE             | PRO SE                  |
| 44 | 2:14-cv-07382 | VINCENT, CRISTAL          | PRO SE                  |
| 45 | 2:13-cv-15664 | WHATLEY, NIPIE            | PRO SE                  |
| 46 | 2:14-cv-21401 | BRADSHAW, HELEN           | SANDERS VIENER GROSSMAN |
| 47 | 2:18-cv-00498 | SEILER, DONNA LYNN        | SKINNER LAW FIRM        |
| 48 | 2:17-cv-01558 | CLARK, KERRI ANN          | SPENCER LAW FIRM        |
| 49 | 2:13-cv-24013 | LEHKY, ELSA               | TOR HOERMAN LAW         |
| 50 | 2:14-cv-19438 | CURL, BRIDGETT            | WATERS & KRAUS          |

**EXHIBIT B**

|    | <b>CIVIL ACTION NO.</b> | <b>PLAINTIFFS' NAME</b>              | <b>PLAINTIFFS' COUNSEL</b>   |
|----|-------------------------|--------------------------------------|--|
| 1  | 2:12-cv-03363           | HARTMAN, TRACY                       | ALLAN BERGER & ASSOCIATES  |
| 2  | 2:13-cv-32500           | PALMER-SHOVER, TERRI                 | ANDRUS & WAGSTAFF / SANDERS VIENER GROSSMAN                                    |
| 3  | 2:13-cv-26448           | COPE, PAULA ANN                      | AYLSTOCK, WITKIN, KREIS & OVERHOLTZ  |
| 4  | 2:13-cv-28364           | STULL, LINDA M.                      | AYLSTOCK, WITKIN, KREIS & OVERHOLTZ / FIBICH LEEBRON COPELAND BRIGGS JOSEPHSON |
| 5  | 2:14-cv-07195           | LANE, FRANCES                        | BAILEY PERRIN BAILEY / POTTS LAW FIRM  |
| 6  | 2:13-cv-31059           | WEIMER, JEWEL                        | BAILEY PERRIN BAILEY / POTTS LAW FIRM  |
| 7  | 2:14-cv-26365           | RODRIGUEZ, LINDA (aka TORRES, LINDA) | BARON & BUDD   |
| 8  | 2:14-cv-25114           | FRANK, TAMBLEA                       | BARON & BUDD   |
| 9  | 2:13-cv-11940           | GUNTER, MARTHA                       | BARTON LAW FIRM  |
| 10 | 2:13-cv-12439           | CONKLIN, BONNIE                      | BARTON LAW FIRM  |
| 11 | 2:13-cv-07668           | FELDER, ANNETTE                      | BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES                                  |
| 12 | 2:13-cv-27322           | SMITH, CATHY                         | BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES                                  |
| 13 | 2:13-cv-21175           | YBARRA, CRUZ                         | BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES / LOCKRIDGE GRINDAL NAUEN        |
| 14 | 2:14-cv-15926           | QUIROZ, RITA                         | BERTRAM  |
| 15 | 2:13-cv-18022           | PRICE, JOYCE                         | BROWN & CROUPPEN   |
| 16 | 2:14-cv-24496           | HILL, LAKITA                         | CAPSHAW & ASSOCIATES   |
| 17 | 2:13-cv-25158           | COLLINS, ROBBIE                      | CAREY, DANIS & LOWE  |
| 18 | 2:14-cv-17085           | MEDINA MARQUEZ, GENOVEVA             | CELLINO & BARNES   |
| 19 | 2:13-cv-25373           | TARVIN, DONNA                        | CHILDERS, SCHLUETER & SMITH  |
| 20 | 2:13-cv-07907           | BOWMAN, GLORIA                       | CLARK, LOVE & HUTSON   |
| 21 | 2:14-cv-06312           | HOLBROOK, VIRGINIA                   | CLARK, LOVE & HUTSON   |
| 22 | 2:13-cv-23838           | RAINEY-BURCHFIELD, MARTHA            | DANIELS & GENTLE   |
| 23 | 2:14-cv-21608           | WATT, THERESA                        | DOUGLAS & LONDON   |
| 24 | 2:14-cv-22870           | WOLF, CHERI                          | DOUGLAS & LONDON   |
| 25 | 2:14-cv-22451           | RIVEIRO-HERRIS, DENISE               | DOUGLAS & LONDON   |
| 26 | 2:13-cv-14270           | DEBUQUE, MARITZA MEJIA               | EDGAR LAW FIRM   |
| 27 | 2:13-cv-07661           | SEMRAU, SALLY                        | EDGAR LAW FIRM   |
| 28 | 2:13-cv-00876           | DEAN, CRYSTAL                        | EDWARDS LAW FIRM   |
| 29 | 2:13-cv-28072           | GOMEZ, ROSALINDA                     | EDWARDS LAW FIRM   |
| 30 | 2:13-cv-00294           | MCKINLEY, SHARON                     | EDWARDS LAW FIRM   |
| 31 | 2:13-cv-03641           | PICKARD, BRUNETTA (D)                | EDWARDS LAW FIRM   |
| 32 | 2:12-cv-00558           | HICKS, CYNTHIA                       | EDWARDS LAW FIRM / WILLIAMS CUKER BEREZOFKY                                    |
| 33 | 2:13-cv-10331           | PARKER, LISA                         | FLEMING, NOLEN & JEZ   |
| 34 | 2:12-cv-04506           | PEREZ, ROBIN                         | FLEMING, NOLEN & JEZ   |
| 35 | 2:13-cv-09198           | LAWLER, ROXANNE                      | FRANKLIN D. AZAR & ASSOCIATES  |

**EXHIBIT B**

|    |               |                      |  |
|----|---------------|----------------------|--|
| 36 | 2:13-cv-30862 | COLE, STEPHANIE      | GOZA & HONNOLD   |
| 37 | 2:13-cv-12295 | GRIFFIS, ANGELA      | HARRISON, DAVIS, STEAKLEY & MORRISON / PARKER MCDONALD |
| 38 | 2:13-cv-11719 | TOBOZ, KIMBERLY D.   | HEARD ROBINS CLOUD & BLACK                             |
| 39 | 2:14-cv-02811 | MCBRIDE, NORMA       | HEARD ROBINS CLOUD & BLACK                             |
| 40 | 2:14-cv-04497 | RIDDLE, MISTY        | HEARD ROBINS CLOUD & BLACK                             |
| 41 | 2:12-cv-02851 | GUIN, CONNIE         | HEARD ROBINS CLOUD & BLACK                             |
| 42 | 2:13-cv-09445 | ASHWORTH, TAMMY      | HODGES LAW FIRM  |
| 43 | 2:13-cv-08976 | WINTERS, JANICE      | HODGES LAW FIRM  |
| 44 | 2:15-cv-01689 | HUMPHREY, LORETTA    | HOLLIS WRIGHT  |
| 45 | 2:12-cv-09262 | CASTRO, STEPHANIE    | KABATECK BROWN KELLNER                                 |
| 46 | 2:15-cv-02997 | CARAWAY, MARY SUE    | LAW OFFICE OF SUSAN E. HAMM                            |
| 47 | 2:13-cv-19107 | GILL, DEBORAH        | LEVIN SIMES  |
| 48 | 2:13-cv-08572 | GUIRGUIS, IMAN       | MAGANA, CATHCART & McCARTHY                            |
| 49 | 2:13-cv-32625 | BONACCI, REBECCA     | MCDONALD WORLEY  |
| 50 | 2:14-cv-21416 | JOHNSON, JULIANNE    | MCGOWAN, HOOD & FELDER                                 |
| 51 | 2:13-cv-13307 | CUTSHAW, DONNA       | MEYERKORD & MEYERKORD                                  |
| 52 | 2:13-cv-05442 | HOLLEY, LORI         | MILLER FIRM  |
| 53 | 2:14-cv-15141 | MORE, ANNE (D)       | MILLER FIRM  |
| 54 | 2:14-cv-15587 | PFALZER, BRENDA      | MILLER FIRM  |
| 55 | 2:13-cv-20948 | BARTLEY, SHERI       | MILLER WEISBROD  |
| 56 | 2:14-cv-13104 | CARTER, JUDY         | MOSTYN LAW FIRM / ARNOLD & ITKIN                       |
| 57 | 2:13-cv-30268 | MARTINEZ, GLORIA     | MOSTYN LAW FIRM / ARNOLD & ITKIN                       |
| 58 | 2:14-cv-05957 | RAMIREZ, YVETTE      | MOSTYN LAW FIRM / ARNOLD & ITKIN                       |
| 59 | 2:14-cv-03863 | MCLEAN, DORIS IRENE  | MOTLEY RICE  |
| 60 | 2:13-cv-31241 | CHLIDRESS, KATIE     | MUELLER LAW  |
| 61 | 2:14-cv-01576 | ANDERSON, SHERRY     | MURPHY LAW FIRM  |
| 62 | 2:14-cv-00473 | LOVERN, KIMBERLY     | MURPHY LAW FIRM  |
| 63 | 2:13-cv-28349 | CLARY, KAREN         | MURPHY LAW FIRM  |
| 64 | 2:12-cv-01641 | RAMIREZ, IRENE       | NAPOLI SHKOLNIK  |
| 65 | 2:14-cv-20769 | TRAVIS, NINA (D)     | NATIONS LAW FIRM                                       |
| 66 | 2:14-cv-18995 | LINDSAY, ANGELA J.   | NATIONS LAW FIRM                                       |
| 67 | 2:14-cv-20761 | CLARY, LAURA JEAN    | NATIONS LAW FIRM                                       |
| 68 | 2:15-cv-03743 | GOWAN, PAULA         | NIEMEYER, GREBEL & KRUSE                               |
| 69 | 2:13-cv-21532 | NEHLS, PURITY        | POLLACK & FLANDERS                                     |
| 70 | 2:13-cv-17957 | PINEDA, SUSAN        | REYES BROWNE REILLEY                                   |
| 71 | 2:13-cv-31537 | BOTELLO, DELLA MARIE | SEEGER WEISS   |
| 72 | 2:13-cv-07902 | HAMBY, BRIDGET       | SETAREH LAW GROUP / KEISEL & LARSON                    |
| 73 | 2:13-cv-07660 | KEITH, TERESA        | SMITH DOLLAR   |
| 74 | 2:15-cv-13562 | STEFFE, SHARON       | STANLEY LAW GROUP                                      |
| 75 | 2:14-cv-00502 | KRYKEWYCZ, DENISE    | TOR HOERMAN LAW (FORMERLY BEASLEY FIRM)                |
| 76 | 2:14-cv-16208 | ADKINS, NORMA        | WATERS & KRAUS   |
| 77 | 2:12-cv-04528 | OWENS, EDITH         | WATTS GUERRA CRAFT                                     |
| 78 | 2:13-cv-31217 | MILLER, ALICE        | WATTS GUERRA CRAFT                                     |