

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 UNRESOLVED CASES IN THE AMS MDL,  
MDL 2325, IDENTIFIED ON THE ATTACHED EXHIBITS A, B, and C

**PRETRIAL ORDER # 268**  
**(Order Re: Mandatory Settlement Conference for Certain Unresolved Cases**  
**December 5, 6 and 7, 2018)**

Pursuant to Pretrial Order (“PTO”) # 265, counsel recently provided a joint written report to the court identifying those cases with 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”)<sup>1</sup> that remain in the AMS MDL despite good faith discussions contemplated in PTO # 265 over the past several weeks. In PTO # 265, I stated that by today, I would enter an order identifying the cases wherein a mandatory settlement conference will be conducted “December 5, 6, or 7, 2018 or such other date as set by the Court.” PTO # 265, p. 2. Upon consideration of the written report submitted to the court and for the convenience of the parties, counsel and the court, it is **ORDERED** that the settlement conferences will be conducted as follows:

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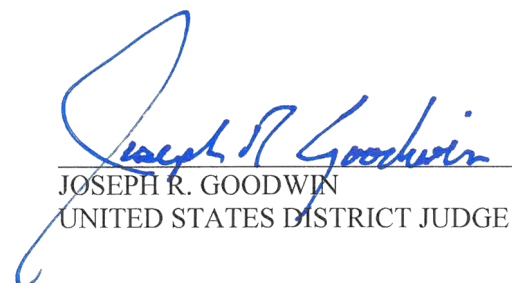
<sup>1</sup> AMS includes any incorrect or incomplete spellings of American Medical Systems, Inc. or Astora Women’s Health, LLC, as well as any improperly named successors or parent or affiliated companies, including but not limited to Astora Holdings, LLC, Astora Women’s Health Holdings, LLC, and Astora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

1. For the cases identified on Exhibit A, attached hereto, the court will conduct a mandatory settlement conference in those cases beginning on **December 5, 2018, at 9:00 a.m.** in room 6200B and continuing from day-to-day thereafter.
2. For the cases identified on Exhibit B, attached hereto, the court will conduct a mandatory settlement conference in those cases beginning on **December 6, 2018, at 9:00 a.m.** in room 6200B and continuing from day-to-day thereafter.
3. For the cases identified on Exhibit C, attached hereto, the court will conduct a mandatory settlement conference in those cases beginning on **December 7, 2018, at 9:00 a.m.** in room 6200B and continuing from day-to-day thereafter.

It is further **ORDERED** that (1) individual plaintiffs whose cases are scheduled for a settlement conference shall appear in person for the settlement conference with counsel of record as reflected on the docket sheet for that plaintiff's case; and (2) any plaintiff who fails to comply with this PTO may be subject to a substantial sanction, including dismissal with prejudice.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 **and in the cases identified on Exhibits A, B and C.** 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.wvwd.uscourts.gov](http://www.wvwd.uscourts.gov).

ENTER: November 8, 2018

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**Exhibit A**

|    | <b>CIVIL ACTION NO.</b> | <b>IMPLANT PLAINTIFF</b>  | <b>CONSORTIUM PLAINTIFF</b> |
|----|-------------------------|---------------------------|-----------------------------|
| 1  | 2:12-cv-00144           | OGAS, GLORIA JEAN         |                             |
| 2  | 2:12-cv-03363           | HARTMAN, TRACY            | HARTMAN, RON                |
| 3  | 2:12-cv-04039           | FEBUS, SANDRA LEE         |                             |
| 4  | 2:12-cv-04528           | OWENS, EDITH              |                             |
| 5  | 2:12-cv-05620           | MAYNARD, CONNIE CHRISTINE |                             |
| 6  | 2:13-cv-00294           | MCKINLEY, SHARON          |                             |
| 7  | 2:13-cv-07668           | FELDER, ANNETTE           |                             |
| 8  | 2:13-cv-07902           | HAMBY, BRIDGET            |                             |
| 9  | 2:13-cv-07907           | BOWMAN, GLORIA            | BOWMAN, SAM                 |
| 10 | 2:13-cv-09079           | FREIRE, ANGELINA          | FREIRE, WILSON              |
| 11 | 2:13-cv-10975           | FERRER, LUCIA M.          | FERRER, RENE                |
| 12 | 2:13-cv-11940           | GUNTER, MARTHA            |                             |
| 13 | 2:13-cv-13307           | CUTSHAW, DONNA            |                             |
| 14 | 2:13-cv-15664           | WHATLEY, NIPIE            |                             |
| 15 | 2:13-cv-18022           | PRICE, JOYCE              |                             |
| 16 | 2:13-cv-19107           | GILL, DEBORAH             | GILL, SAMUEL                |
| 17 | 2:13-cv-19227           | GAITHER, MITZI            |                             |
| 18 | 2:13-cv-19841           | STUKAS, ADELE             | MARTINEZ, RICHARD           |
| 19 | 2:13-cv-19988           | MARTIN, LAURA             | MARTIN, MITCHELL            |
| 20 | 2:13-cv-21175           | YBARRA, CRUZ              |                             |
| 21 | 2:13-cv-21532           | NEHLS, PURITY             | SHAFFER, DARRELL            |
| 22 | 2:13-cv-24361           | JAGHAMIN, PATRICIA        |                             |
| 23 | 2:13-cv-26448           | COPE, PAULA ANN           |                             |
| 24 | 2:13-cv-27322           | SMITH, CATHY              |                             |
| 25 | 2:13-cv-28364           | STULL, LINDA M.           |                             |
| 26 | 2:13-cv-31217           | MILLER, ALICE             |                             |
| 27 | 2:13-cv-31537           | BOTELLO, DELLA MARIE      |                             |
| 28 | 2:13-cv-32625           | BONACCI, REBECCA          |                             |
| 29 | 2:13-cv-32662           | GRICE, WANDA              |                             |
| 30 | 2:14-cv-03520           | MARBURGER, BARBARA        |                             |
| 31 | 2:14-cv-06312           | HOLBROOK, VIRGINIA        |                             |
| 32 | 2:14-cv-07382           | VINCENT, CHRISTAL         | VINCENT, JOHN               |
| 33 | 2:14-cv-10684           | BAGHVARANI, FATOUMEH      |                             |
| 34 | 2:14-cv-17085           | MEDINA MARQUEZ, GENOVEVA  |                             |
| 35 | 2:14-cv-18111           | JOHNSON, JULIANNE         | JOHNSON, WILLIAM            |
| 36 | 2:14-cv-21401           | BRADSHAW, HELEN           |                             |
| 37 | 2:14-cv-22484           | TYLER, PATRICIA           |                             |
| 38 | 2:15-cv-02997           | CARAWAY, MARY SUE         |                             |
| 39 | 2:15-cv-03743           | GOWAN, PAULA              | RYAN, RICHARD               |
| 40 | 2:18-cv-00371           | CRESPO (DIAZ), MAGALY     |                             |
| 41 | 2:18-cv-00549           | JOHNSON, SANDRA           |                             |
| 42 | 2:18-cv-00918           | SILVA, CARMEN             |                             |
| 43 | 2:18-cv-00919           | NIKOLAI, LINDA            |                             |

**Exhibit A**

|    |               |                 |                  |
|----|---------------|-----------------|------------------|
| 44 | 2:18-cv-00920 | JOHNSON, DOREEN | JOHNSON, KENNETH |
| 45 | 2:18-cv-00925 | PERKINS, JANET  |                  |
| 46 | 2:18-cv-01150 | CONWAY, PAULA   | CONWAY, EARL     |

**EXHIBIT B**

|    | <b>CIVIL ACTION NO.</b> | <b>IMPLANT PLAINTIFF</b> | <b>CONSORTIUM PLAINTIFF</b> |
|----|-------------------------|--------------------------|-----------------------------|
| 1  | 2:12-cv-08403           | NOORDEH, CHERYL          | NOORDEH, ARDY               |
| 2  | 2:13-cv-24013           | LEHKY, ELSA              |                             |
| 3  | 2:14-cv-00502           | KRYKEWYCZ, DENISE        | KRYKEWYCZ, SR., ALEX        |
| 4  | 2:17-cv-01558           | CLARK, KERRI ANN         |                             |
| 5  | 2:18-cv-00067           | ARNDT, NANCY             | ARNDT, LARRY                |
| 6  | 2:18-cv-00076           | ROMAN, JIMENA            |                             |
| 7  | 2:18-cv-00498           | SEILER, DONNA LYNN       |                             |
| 8  | 2:18-cv-01009           | STANKOWICZ, CYNTHIA      | STANKOWICZ, JR., RONALD     |
| 9  | 2:18-cv-01010           | ZAVODNY, LYNN            |                             |
| 10 | 2:18-cv-01011           | SHERRIN, LAURIE          | SHERRIN, DALE               |
| 11 | 2:18-cv-01301           | WRIGHT, VICKI            |                             |

**EXHIBIT C**

|    | <b>CIVIL ACTION<br/>NO.</b> | <b>IMPLANT PLAINTIFF</b> | <b>CONSORTIUM<br/>PLAINTIFF</b> |
|----|-----------------------------|--------------------------|---------------------------------|
| 1  | 2:13-cv-07660               | KEITH, TERESA            | KEITH, RUSTY                    |
| 2  | 2:13-cv-07661               | SEMRAU, SALLY            | SEMRAU, MICHAEL                 |
| 3  | 2:13-cv-09198               | LAWLER, ROXANNE          | LAWLER, MICHAEL                 |
| 4  | 2:13-cv-12295               | GRIFFIS, ANGELA          | GRIFFIS, SCOTT                  |
| 5  | 2:13-cv-14270               | DEBUQUE, MARITZA MEJIA   |                                 |
| 6  | 2:13-cv-28349               | CLARY, KAREN             | CLARY, JOE                      |
| 7  | 2:14-cv-10892               | MCLEAN, SAMANTHA         | MCLEAN, RICKY                   |
| 8  | 2:15-cv-08703               | GALSTER, SANDRA          | GALSTER, GERARD                 |
| 9  | 2:18-cv-00598               | JOHNS, NANCY             |                                 |
| 10 | 2:18-cv-00887               | PAUL, DEANNE             |                                 |