

**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 ALL CASES

PRETRIAL ORDER # 67

(Revised Short Form Complaint and Amended Short Form Complaint
re: Removal of Coloplast and Endo entities)

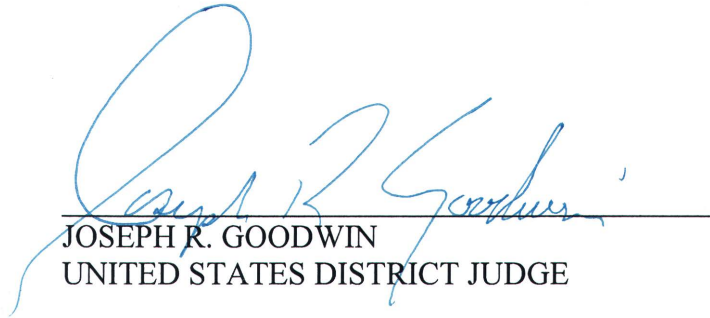
I recently entered two PTOs dismissing without prejudice Endo Pharmaceuticals Inc., American Medical Systems Holdings, Inc. and Endo Health Solutions Inc. (collectively referred to as the “Endo Entities”) and Coloplast A/S, Coloplast Manufacturing US, LLC, and Porges S.A. In these PTOs, I indicated that I would enter revised Short Form and Amended Short Form Complaints. As a result, attached are a **revised** (1) Short Form Complaint (Exhibit A); and a **revised** (2) Amended Short Form Complaint (Exhibit B) that reflect the removal of these entities from the Short Form and Amended Short Form Complaints in this MDL.

It is **ORDERED** as follows:

- (1) While PTO ##s 17, 31, and 35 remain in force and effect where applicable, parties filing Short Form Complaints in new cases or Amended Short Form Complaints in existing cases, where appropriate, **must use the revised forms attached to this PTO and located on the court’s website beginning no later than June 5, 2013.**

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 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 2:13-cv-12123. 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: May 29, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

***In Re: American Medical Systems, Inc., Pelvic Repair System
Products Liability Litigation
MDL No. 2325***

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

1. Female Plaintiff

- Filing

- ☐ A. American Medical Systems, Inc. (“AMS”)

- ☐ B. Ethicon, Inc.
- ☐ C. Ethicon, LLC
- ☐ D. Johnson & Johnson
- ☐ E. Boston Scientific Corporation
- ☐ F. C. R. Bard, Inc. (“Bard”)
- ☐ G. Sofradim Production SAS (“Sofradim”)
- ☐ H. Tissue Science Laboratories Limited (“TSL”)
- ☐ I. Mentor Worldwide LLC
- ☐ J. Coloplast Corp.

7. Basis of Jurisdiction

☐ Diversity of Citizenship

☐ Other:

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

B. Other allegations of jurisdiction and venue

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. Apogee;
- ☐ B. Perigee;
- ☐ C. MiniArc Sling;
- ☐ D. Monarc Subfascial Hammock;
- ☐ E. SPARC;
- ☐ F. In-Fast;
- ☐ G. BioArc;
- ☐ H. Elevate;
- ☐ I. Straight-In;
- ☐ J. Other

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. Apogee;
- ☐ B. Perigee;
- ☐ C. MiniArc Sling;
- ☐ D. Monarc Subfascial Hammock;
- ☐ E. SPARC;
- ☐ F. In-Fast;
- ☐ G. BioArc;
- ☐ H. Elevate;
- ☐ I. Straight-In;

☐ J. Other;

10. Date of Implantation as to Each Product

11. Hospital(s) where Plaintiff was implanted (including City and State)

12. Implanting Surgeon(s)

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☐ Count I - Negligence
- ☐ Count II – Strict Liability – Design Defect
- ☐ Count III – Strict Liability – Manufacturing Defect
- ☐ Count IV – Strict Liability – Failure to Warn
- ☐ Count V - Strict Liability – Defective Product
- ☐ Count VI - Breach of Express Warranty
- ☐ Count VII – Breach of Implied Warranty
- ☐ Count VIII – Fraudulent Concealment
- ☐ Count IX – Constructive Fraud
- ☐ Count X - Discovery Rule, Tolling and Fraudulent Concealment
- ☐ Count XI – Negligent Misrepresentation

- ☐ Count XII – Negligent Infliction of Emotional Distress
- ☐ Count XIII – Violation of Consumer Protection Laws
- ☐ Count XIV – Gross Negligence
- ☐ Count XV - Unjust Enrichment
- ☐ Count XVI - (By the Spouse) – Loss of Consortium
- ☐ Count XVII – Punitive Damages
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)

Address and bar information:

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

Exhibit B

CHARLESTON DIVISION

*In Re: American Medical Systems, Inc., Pelvic Repair System
Products Liability Litigation
MDL No. 2325*

Civil Action No. _____

AMENDED SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

2. Plaintiff Spouse

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

4. State of Residence

5. District Court and Division in which venue would be proper absent direct

filing_____

6. Defendants (Check Defendants against whom Complaint is made):

☐ A. American Medical Systems, Inc. ("AMS")

- ☐ B. Ethicon, Inc.
- ☐ C. Ethicon, LLC
- ☐ D. Johnson & Johnson
- ☐ E. Boston Scientific Corporation
- ☐ F. C. R. Bard, Inc. (“Bard”)
- ☐ G. Sofradim Production SAS (“Sofradim”)
- ☐ H. Tissue Science Laboratories Limited (“TSL”)
- ☐ I. Mentor Worldwide LLC
- ☐ J. Coloplast Corp.

7. Basis of Jurisdiction

- ☐ Diversity of Citizenship
- ☐ Other:_____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

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- ☐ Count V - Strict Liability – Defective Product
- ☐ Count VI - Breach of Express Warranty
- ☐ Count VII – Breach of Implied Warranty
- ☐ Count VIII – Fraudulent Concealment
- ☐ Count IX – Constructive Fraud
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- ☐ Count XI – Negligent Misrepresentation

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- ☐ Count XVI - (By the Spouse) – Loss of Consortium
- ☐ Count XVII – Punitive Damages
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)
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Address and bar information:
