

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

**CHARLESTON DIVISION**

IN RE: AMERICAN MEDICAL SYSTEMS, INC.  
PELVIC REPAIR SYSTEMS  
PRODUCT LIABILITY LITIGATION

MDL No. 2325

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 78**  
(Agreed Order and Stipulation)

Plaintiffs and Defendant American Medical System, Inc. ("AMS") desire to enter into a stipulation memorializing the terms upon which they have agreed to fully and finally resolve Plaintiffs' Motion for Sanctions (ECF No. 763) and Memorandum in Support of Their Motions for Sanctions (ECF No. 765) and all of the issues raised in those filings.

The parties stipulate and agree as follows:

1. Plaintiffs filed a Motion for Sanctions and Memorandum in Support of Their Motions for Sanctions.
2. AMS timely filed a Response to Plaintiffs' Motion for Sanctions. (ECF No. 825).
3. Plaintiffs and AMS have agreed to fully and finally resolve Plaintiffs' Motion for Sanctions and all of the issues raised in their Motion and in their Memorandum in Support of Their Motions for Sanctions.
4. Plaintiffs agree that on or before Monday, August 26, 2013, Plaintiffs will file a motion seeking an order to withdraw their Motion for Sanctions.

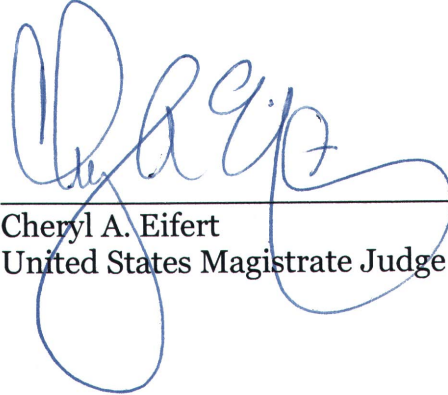
5. Plaintiffs agree that they shall not renew their Motion for Sanctions nor file any additional motions for sanctions raising or seeking relief for the issues identified in the withdrawn Motion for Sanctions and/or in Plaintiffs' Memorandum in Support of Their Motions for Sanctions because all such issues have been resolved.
6. Within thirty days of the date upon which this Court enters an order withdrawing Plaintiffs' Motion for Sanctions, AMS shall pay Plaintiffs the sum of \$65,000.00. In making such payment, AMS makes no admission that sanctions are warranted, but rather makes such payment solely in resolution of this dispute.
7. All parties agree that AMS's payment fully and finally addresses travel and other costs Plaintiffs' counsel has incurred or may yet incur in association with the issues identified in the withdrawn Motion for Sanctions.

The court, having been advised of the parties' agreement as set forth in their stipulation, does hereby adopt same as a fair resolution of Plaintiffs' motion for sanctions. It is so **ORDERED**.

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-22257. 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 <http://www.wvsd.uscourts.gov>.

**ENTERED:** August 27, 2013.

A handwritten signature in blue ink, appearing to read 'Cheryl A. Eifert', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Cheryl A. Eifert  
United States Magistrate Judge