

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

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2326

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 158
(First Amended Order re: Production of Case-Specific Information
for BSC MDL Plaintiffs)**

The court **ORDERS** that PTO # 149 is amended to revise contact information for Boston Scientific Corporation contained in paragraphs A.2, B and C. The remaining provisions of PTO # 149 remain in effect.

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

- A. **Existing Cases pending as of July 1, 2016.** Every plaintiff with a case in the Boston Scientific MDL, MDL 2326, on July 1, 2016 that is not settled and either dismissed with prejudice or on the Inactive Docket¹, is directed to provide the following information to Boston Scientific Corporation (“BSC”) on or before **August 17, 2016**:
1. Proof of product identification for BSC product(s) for which a claim is alleged; and
 2. Operative reports demonstrating implantations, revisions and/or removals of BSC product(s) for which a claim is alleged.

¹ If a plaintiff in this or any other category in this PTO has a case that is not settled and either dismissed with prejudice or on the Inactive Docket *but* has already provided this information to Boston Scientific Corporation, a plaintiff has no obligation under this PTO.

Plaintiffs are instructed to email the above information to BSC as follows:

BSCMDL@TKTrial.com

- B. **Cases Filed or Transferred after July 1, 2016.** For cases filed in or transferred to the BSC MDL after July 1, 2016, plaintiffs with a case that is not settled and either dismissed with prejudice or on the Inactive Docket must provide the above-referenced information within 30 days of filing the Short Form Complaint or transfer by the MDL Panel. Plaintiffs are instructed to email the above information to BSC as follows:

BSCMDL@TKTrial.com

- C. **Cases Transferred from another MDL.** For cases transferred from another MDL pending before Judge Goodwin after the date of entry of this PTO, plaintiffs with a case that is not settled and either dismissed with prejudice or on the Inactive Docket must provide the above-referenced information within 30 days of entry of the order granting a motion to transfer MDLs. Plaintiffs are instructed to email the above information to BSC as follows:

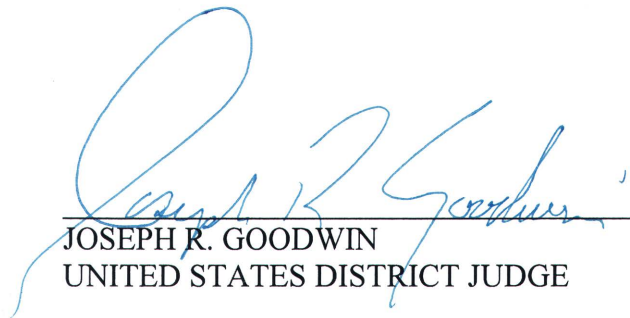
BSCMDL@TKTrial.com

- D. This PTO does not in any way relieve plaintiffs from their obligation to serve a Plaintiff Profile Form as outlined in PTO # 16 (Plaintiff Profile Forms, Plaintiff Fact Sheet, and Defendant Fact Sheets).
- E. 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-2326 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-

01862. 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.wvsc.uscourts.gov.

ENTER: March 16, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE