

**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 2326**

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 216**

**(Re: Practice of Dropping and Adding Defendants via Amended Short Form Complaint)**

The court **ORDERS** that BSC Pretrial Order Number 14 is **VACATED** as to paragraph D(1) only. Paragraph D(1) provides as follows:

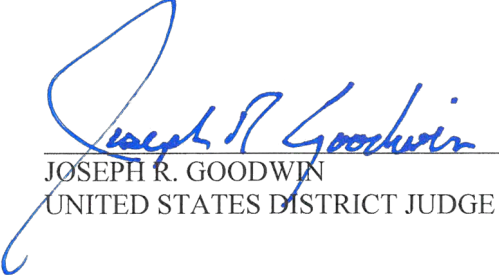
(1) If a plaintiff in an existing case files an Amended Short Form Complaint in compliance with this Order that omits a defendant previously named in the prior complaint, the plaintiff is relieved of complying with Rule 41 of the Federal Rules of Civil Procedure in order to properly dismiss that defendant. Rather, where a plaintiff files an Amended Short Form Complaint, the court instructs the Clerk, until further notice, to add defendants named in MDLs 2187, 2325, 2326 and 2327 as indicated on the Amended Short Form Complaints and to terminate any defendant not so indicated. [footnote omitted] If a plaintiff names an additional defendant listed on a Short Form Complaint but not named in the prior complaint, the plaintiff must comply with Rule 4 as to the new defendant.

Because this MDL is nearing its conclusion and this practice is no longer efficient, plaintiffs may not file Amended Short Form Complaints adding or dropping parties without following the appropriate Federal Rules of Civil Procedure.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326. 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](http://www.wvsd.uscourts.gov).

ENTER: October 25, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE