

**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 CIVIL ACTION
NOS.

2:12-cv-01156, 2:12-cv-04416,
2:13-cv-00684 and 2:13-cv-00686

PRETRIAL ORDER # 38

(Order relating to PTO # 26: Agreed Order Regarding Severance of Actions)

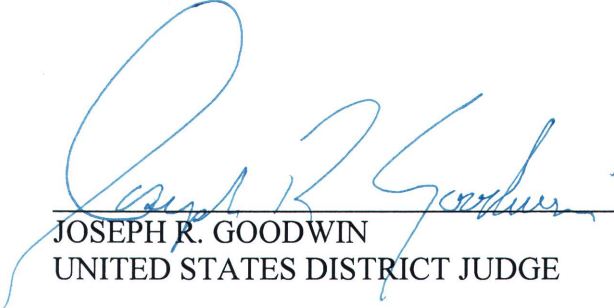
By PTO # 26, the court entered an order stating that it would sever a number of cases, including 2:12-cv-01156. That case, styled *Nicholas, et al. v. C. R. Bard, Inc., et al.* is not a multi-plaintiff case, does not name Boston Scientific and is not in the Boston Scientific MDL. As a result, the court did not ultimately sever 2:12-cv-01156 when it severed the remainder of the cases listed in PTO # 26. On Exhibit A, the parties listed 2:12-cv-01156 as the case of *Sampuda, et al. v. Boston Scientific Corp.* The correct case number for *Sampuda* is 2:12-cv-04416.

It is **ORDERED** that PTO # 26 is **VACATED** as to 2:12-cv-01156. It is further **ORDERED** that 2:12-cv-04416 is **SEVERED** and that the provisions of PTO # 26 apply to 2:12-cv-04416 as if that case had been properly listed by number in Exhibit A. There were two additional plaintiffs other than the first named plaintiff in the *Sampuda* case and both have since filed individual civil actions (Peggy and Richard Perry (2:13-cv-00684) and Linda Bryant (2:13-cv-00686)). However, those plaintiffs incorrectly listed 2:12-cv-01156 as the case from which

they were severed. It is **ORDERED** that plaintiffs Perry and Bryant file Amended Short Form Complaints listing the correct case from which they were severed (2:12-cv-04416).

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and in 2:12-cv-01156, 2:12-cv-04416, 2:13-cv-00684 and 2:12-cv-00686 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-03342. 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: February 27, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE