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 # 40
(Defendant Fact Sheet)

The parties have agreed to and submitted for entry, the attached Defendant's Fact Sheet ("DFS"). It is **ORDERED** that defendant must submit a completed DFS pursuant to PTO # 32 for each case in the Discovery Pool on or before **April 22, 2013**, to the plaintiffs electronically at:

Alana Schmitt - Alana.Schmitt@ahw-law.com

If defendant fails to comply with the DFS obligations under this order, including failure to timely submit a DFS or failure to submit a substantially complete DFS, defendant may, for good cause shown, be subject to sanctions to be determined by the court, upon motion of the plaintiffs. The court expects the parties to meet and confer before such a motion is filed, and will adjudicate such motions on an expedited basis.

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 2:13-cv-04713. 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: March 14, 2013

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

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 No.:_____ _____
Name of Plaintiff

DEFENDANT FACT SHEET

For each case, the Boston Scientific defendants must complete this Fact Sheet. Except as otherwise set forth in any Order, this Fact Sheet must be completed and served on plaintiffs' counsel in each individual case by April 22, 2013.

I. CASE INFORMATION

Case Caption: _____

Case Number: _____

II. IMPLANTING AND EVALUATING PHYSICIANS

Plaintiff has identified physicians in Sections II.1 and II.6.f of the Plaintiff's Fact Sheet. As to each such identified physician, provide the following information:

A. NON-SALES REPRESENTATIVE CONSULTATION CONTACTS

As to each identified physician with whom the Defendants were affiliated or consulted regarding the pelvic mesh product(s) (outside the context of sales representative contacts), set forth the following for each physician:

1. Identify the physician.

2. The nature of any consultation or affiliation relevant to Defendant's pelvic mesh product(s).

3. Any monetary benefits relevant to the pelvic mesh product(s) provided to the physician by the Defendant.

4. List any written agreements or contracts setting forth the nature, dates, and details of the consulting relationship or affiliation relevant to the pelvic mesh product(s); this includes but is not limited to any agreements to research or otherwise study the Boston Scientific Defendants' pelvic mesh

products.

B. SALES REPRESENTATIVES

For each implanting physician identified by Plaintiff, set forth the following:

1. Identify the physician.

2. Identity of sales representative(s), if any, that have had contact with the physician regarding the pelvic mesh product(s).

3. State whether or not the sales representative(s) is currently employed by Defendant. If the sales representative(s) is no longer employed by Defendant, please provide the last known address of the sales representative(s).

4. The name and model number for the pelvic mesh product(s) that the sales representative was responsible for with regard to the identified physician.

5. Identify all district and/or regional sales managers who were responsible for the management of the sales representatives identified in your response to Number 2 above, and their current relationship, if any, with Boston Scientific.

III. INFORMATION REGARDING THE PLAINTIFF

A. Outside of information exchanged as part of this litigation, identify all data, information, objects, and reports in Defendant's possession or control specific to the Plaintiff's medical conditions. Attorney-work product is specifically excluded.

B. Identify any contact, either written or oral, between the plaintiff and any employee or representative of the defendant, including but not limited to pre-operative inquiries, and post-operative complaints.

C. Identify all Med Watch Adverse Event Reports and/or any other documents submitted to the FDA or any other government agency with regard to the Plaintiff.

D. If Plaintiff has provided a lot number for Defendant's product in Section II.1 of the Plaintiff's Fact Sheet, state whether such lot number has ever been subject to a recall.

E. Identify all communications that Defendant has had with any of the Plaintiff's physicians specifically regarding the Plaintiff.

IV. DOCUMENTS

Please provide the following documents:

A. Identify and attach the specific documentation described in I through III above;

except, you may identify but not serve copies of medical records that were provided to Defendants by Plaintiff's counsel.

B. Aside from any privileged or attorney-work product materials, identify and attach all documents that refer or relate to the Plaintiff in Defendant's possession or control, to the extent not identified and attached in response to a prior question.

C. All call notes, detail notes or call summaries regarding each implanting and/or treating physician during the relevant time period.

D. All communications by and between Defendant, its sales representative and each of Plaintiff's implanting and/or treating physicians.

VERIFICATION

I am an authorized agent of Boston Scientific and I verify the Defendant's Response to Defendants' Fact Sheet in *In Re Boston Scientific Corp., Pelvic Repair Systems Products Liability Litigation*, MDL No. 2326 (S.D. W. Va.). The matters stated therein are not my personal knowledge; the facts stated herein have been assembled by authorized employees and counsel of Boston Scientific Corp. and I am informed that the facts stated herein are true. I hereby certify, in my authorized capacity as an agent for Boston Scientific Corp., that the responses to the aforementioned Defendants' Fact Sheet are true and complete to the best of Boston Scientific Corp.'s knowledge.

Date: _____ _____

Boston Scientific Corp.