

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

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| In re: Cook Medical, Inc. Pelvic Repair System Products Liability Litigation |)) | MDL No. 2440 |
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THIS DOCUMENT RELATES TO: ALL CASES

**PRETRIAL ORDER # 15
(Waiver of Service for Cook Incorporated, Cook Medical Incorporated,
and Cook Biotech Incorporated)**

With the substantial agreement of the parties, the court **ORDERS** that:

1. Subject to the conditions set forth in this Order, Defendants Cook Incorporated, Cook Medical Incorporated, and Cook Biotech Incorporated (collectively “Cook” or the “Cook Defendants”) will waive service of process in cases directly filed in or transferred by the Judicial Panel on Multidistrict Litigation to MDL 2440, MDL 2187, MDL 2325, MDL 2326, MDL 2327 and MDL 2387, in which they are named and one or more products either manufactured or distributed by the Cook Defendants as specified in the Master Complaint in MDL 2440 is alleged to be at issue.

2. For such cases, plaintiffs shall send the Short Form Complaint or Amended Short Form Complaint, a request for waiver of service pursuant to the provisions of Fed. R. Civ. P. 4, and, if in their possession, a sticker page or other medical record identifying the product(s) at issue in the case to counsel for the Cook Defendants:

- a. by email to CookMDL@woodmclaw.com; or
- b. by certified mail to:

Douglas B. King
Jennifer L. Schuster
Gayle M. Williams
Wooden & McLaughlin LLP
211 N. Pennsylvania St., Suite 1800
Indianapolis, IN 46204

Service will be effective only if accomplished as set forth above, or if accomplished pursuant to the Federal Rules of Civil Procedure.

3. Counsel for the Cook Defendants shall return the signed waiver requests to the plaintiffs within the time permitted by Fed. R. Civ. P. 4, and shall acknowledge receipt of the Short Form Complaint or Amended Short Form Complaint by filing a Notice of Appearance within 30 days of receipt.

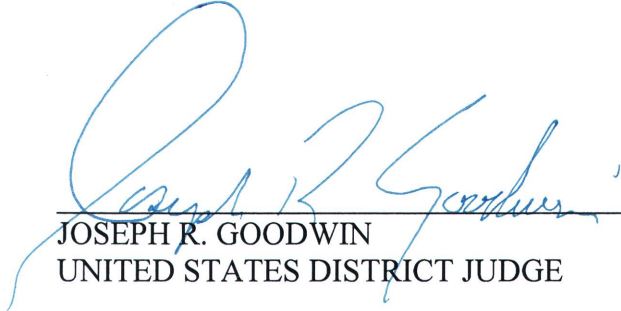
4. By accepting service pursuant to Paragraph 3 above, the Cook Defendants do not waive any claims, affirmative defenses or other defenses of any nature whatsoever except for those relating to service of process. If service is otherwise perfected under the Federal Rules of Civil Procedure, the Cook Defendants do not waive any claims, defenses or other defenses of any nature whatsoever, including those related to service of process.

5. Plaintiffs submitting a request for waiver shall not seek to hold the Cook Defendants in default for failure to timely answer a complaint in which service has been accomplished pursuant to the terms of this Order without first giving the Cook Defendants written notice of the alleged default and ten business days in which to cure any alleged default.

The court **DIRECTS** the Clerk to file a copy of this order in 2:13-md-2440 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-

28635. 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: November 22, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE