

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

**CHARLESTON DIVISION**

IN RE: COOK MEDICAL, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY LITIGATION

MDL No. 2440

JOSEPH R. GOODWIN  
U.S. DISTRICT JUDGE

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THIS DOCUMENT RELATES TO THE CASES  
ON EXHIBIT A

**PRETRIAL ORDER # 82  
(Order: Mandatory Settlement Conference for Certain  
Cook Plaintiffs)**

Pursuant to Pretrial Order # 80, counsel recently provided a joint written report to the court identifying those cases with claims against Cook Incorporated, Cook Biotech, Inc., and Cook Medical, LLC (formerly known as Cook Medical, Inc.) (“Cook”) that remain in the Cook MDL despite good faith discussions contemplated in PTO # 80 over the past several weeks. In PTO # 80, I stated that by today, I would enter an order identifying the cases wherein a mandatory settlement conference will be conducted beginning July 18, 2017 “and continuing from day-to-day thereafter.” 2:13-md-2440, ECF No. 501, Pretrial Order # 80, p. 1. Upon consideration of the written report submitted to the court, the court **ORDERS** that for the cases identified on Exhibit A, mandatory settlement conferences will be conducted beginning on **July 18, 2017, at 9:00 a.m.** in Room 7800 and continuing from day-to-day thereafter.

The court further **ORDERS** that (1) individual plaintiffs whose cases are scheduled for a settlement conference shall appear in person for the settlement conference with counsel of record as reflected on the docket sheet for that plaintiff’s individual case and any pro se plaintiffs must also appear in person; and (2) any plaintiff who fails to comply

with this PTO may be subject to a substantial sanction, including dismissal with prejudice. The court **ORDERS** that counsel for defendants provide a copy of this PTO to any pro se plaintiff on Exhibit A and file a proof of mailing. Finally, the court **ORDERS** that if the parties reach a settlement in a case listed on Exhibit A, submission of a dismissal order for that case will relieve plaintiff and her counsel from the obligation of attending the mandatory settlement conference.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:13-md-2440 **and in the cases identified on Exhibit A** and it shall apply to each member related case previously transferred to, removed to, or filed in this district, *where applicable*, which includes counsel in all member cases up to and including civil action number 2:17-cv-00071. 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](http://www.wvsc.uscourts.gov).

ENTER: July 13, 2017



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

**EXHIBIT A****PTO # 82**

<b>Lead Plaintiff</b>	<b>Civil Action No.</b>
Brinkley, Mary	2:14-cv-06003
Gann, Carol	2:13-cv-20698
Garrison, Virginia	2:14-cv-25036
Lyons, Ola	2:13-cv-21164
Clark, Crystal	2:15-cv-04882
Balsano, Marian	2:15-cv-02289
Garcia, Maria	2:15-cv-03456
Myers, Deborah	2:15-cv-16369
Case, Jeanette	2:13-cv-19794
Mercer, Debbie	2:13-cv-14357
Beasley, Shirley	2:14-cv-15208
Goodrum, Lani	2:14-cv-31299
McLean, Tracy	2:14-cv-13442
Gardner, Jayne	2:14-cv-24589
Ivicsics, Antoinette	2:13-cv-33997
Gaither, Mitzi	2:13-cv-19227
Gardiner, Kari	2:13-cv-22370
Odom, Judy	2:13-cv-30345
Thompson, Delena	2:13-cv-31208
Vanderpool, Mary	2:15-cv-01165
Serrano, Maria	2:14-cv-16923