

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

CHARLESTON DIVISION

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

MDL 2325

THIS DOCUMENT RELATES TO ALL CASES

PRETRIAL ORDER # 37
(DOCKET CONTROL ORDER)

1. *Identity of cases.* Group 1 will consist of cases filed on or before **January 1, 2013**.
2. *Plaintiff Profile Forms.* By **January 31, 2013**, each plaintiff filed in this MDL, as of **January 1, 2013**, must serve substantively complete Plaintiff Profile Forms (PPFs) for cases to be considered for Discovery Pool.
3. *Discovery Pool Cases.* By **February 25, 2013**, the parties shall submit a list of a total of thirty (30) cases, fifteen (15) for each side, to be included in the Discovery Pool.
4. *Discovery Pool Cases – Case – Specific Discovery.* Case-Specific Discovery for Discovery Pool Cases commences on **February 25, 2013**. Case-Specific Depositions shall be limited to: (1) Plaintiff(s); (2) one additional fact witness, which may include an additional physician, if the case involves a single Plaintiff; (3) implanting physician; (4) explanting physician; (5) sales representative or distributor directly associated with the sale of the product to implanting physician; and (6) any representative or any Defendant who was present in the operating room during the implantation or explantation surgeries.
5. *Plaintiff Fact Sheets.* By **March 18, 2013**, each Plaintiff in the Discovery Pool must serve a substantially completed Plaintiff Fact Sheet (PFS).

6. Defendant Fact Sheets. By **March 18, 2013**, Defendants shall serve a substantially completed Defendant Fact Sheet (DFS) for each case in the Discovery Pool (30 cases). The defendants will disclose the identity and locations of all sales representatives for each case in the Discovery Pool in the Defendants Fact Sheets.
7. Trial Pool Cases. By **June 10, 2013**, the parties shall submit a list of a total of sixteen (16) cases, eight (8) for each side, to be included in the Trial Pool.
8. Bellwether Cases. Parties will make presentations to the Court on **June 17, 2013** on all Trial Pool cases, and the Court shall select a total of five (5) cases to be Bellwether trial cases. The Court shall complete its selection for the final five (5) Bellwether trial cases no later than **June 24, 2013**.
9. Expert Reports.
 - a. Plaintiffs shall serve expert reports by **July 22, 2013** for all Trial Pool cases.
 - b. Defendants shall serve expert reports by **August 12, 2013** for all Trial Pool cases.
 - c. Plaintiffs shall serve rebuttal expert reports by **August 23, 2013** for all Trial Pool cases.
10. Written Discovery. Parties shall serve any and all final, non-duplicative written discovery no later than **August 15, 2013**.
11. Expert Discovery. Expert Discovery for Bellwether cases shall be completed by **September 23, 2013**. Expert depositions shall not begin until after Defendants have disclosed their experts.
12. Case-Specific Discovery. Discovery on all Bellwether cases shall be completed by **October 3, 2013**.

13. Motion Practice.

a. Daubert Motions

1. Daubert Motions shall all be filed and served by **October 3, 2013.**
2. All Responses to Daubert Motions shall all be filed and served by **October 17, 2013.**
3. All Replies to Daubert Motions shall all be filed and served by **October 24, 2013.**

b. Dispositive Motions and Motions in Limine

1. Dispositive Motions and Motions in Limine shall all be filed and served by **October 17, 2013.**
2. All Responses to Dispositive Motions and Motions in Limine shall all be filed and served by **October 31, 2013.**
3. All Replies to Dispositive Motions and Motions in Limine shall all be filed and served by **November 7, 2013.**

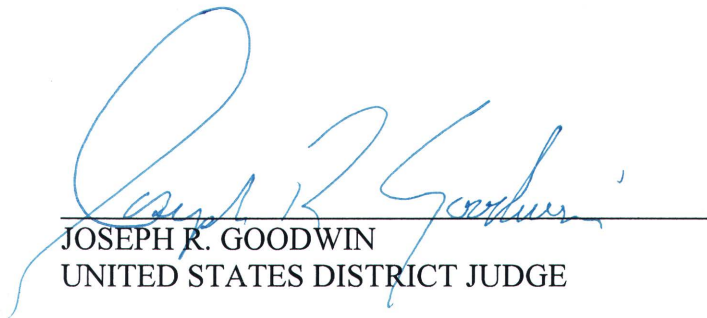
14. Pretrial. The Court shall conduct pretrial and final settlement conferences at dates to be determined at an upcoming status conference. The Court will issue future orders related to conduct of the pretrial conference and submission of a Proposed Pretrial Order.

15. Trial. The parties will have two (2) AMS cases ready for trial on December 3, 2013.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 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-00793. 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.

ENTER: January 18, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE