

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

**CHARLESTON DIVISION**

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

MDL NO. 2325

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 69  
(First Amended Docket Control Order (PTO # 37))**

By agreement of the Parties, Paragraphs 7, 8, 9, 10 and 11 in the Docket Control Order, entered by this Court on January 18, 2013, are amended as follows:

7. *Trial Pool Cases.* By **June 19, 2013**, the parties shall submit a list of a total of twelve (12) cases, six (6) for each side, to be included in the Trial Pool.
8. *Bellwether Cases.* Parties will make presentations to the Court on **June 25, 2013, at 10:00 a.m.** on all Trial Pool cases, and the Court shall select a total of five (5) cases to be Bellwether trial cases.
9. *Expert Reports.*
  - a. On **August 15, 2013**, Plaintiffs will serve Defendants with a list of all experts for whom a report will be given and the subject matter of each expert's testimony. On **August 16, 2013**, Defendants will serve their responsive list of all experts and the subject matter of each expert's testimony.
  - b. Plaintiffs and Defendants shall simultaneously serve expert reports by **August 26, 2013** for all Trial Pool cases. Simultaneous therewith, Plaintiffs and Defendants

will identify three (3) dates before **September 25, 2013** that such Expert Witnesses are available for deposition. Plaintiffs and Defendants shall have five (5) days to confirm dates of deposition for each expert witness they intend to depose in this litigation.

- c. Plaintiffs and Defendants shall serve rebuttal expert reports by **September 6, 2013** for all Trial Pool cases. Simultaneous therewith, Plaintiffs and Defendants will identify two (2) dates before **September 25, 2013** that such Expert Witnesses are available for deposition. Plaintiffs and Defendants shall have three (3) days to confirm dates of deposition for each expert witness they intend to depose in this litigation.

10. Written Discovery. Parties shall serve any and all final, non-duplicative written discovery no later than **August 23, 2013**.

11. Expert Discovery. Expert Discovery for Bellwether cases shall be completed by **September 25, 2013**.

ENTER: June 10, 2013



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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE