

**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 # 65
(Docket Control Order on Wave 1 and Wave 2 Discovery)

It is **ORDERED** that the Plaintiffs and Boston Scientific Corporation (“BSC”) shall work up two waves of cases, with each wave containing one hundred (100) cases, pursuant to the following deadlines and requirements:

Wave 1 Cases

1. **January 21, 2014:** Deadline for Wave 1 Cases to be selected. On or before January 21, 2014, each side will **file** a list of 50 cases (identifying plaintiff’s counsel of record for each case), without input from the other side. The 100 cases will comprise “Wave 1 Cases.” Each party will be the lead party on the 50 cases they select. The lead party has the option of coordinating depositions of the treating physicians and has the option of questioning treating physicians first. To be considered in Wave 1, all cases must be on file and have a substantially completed Plaintiff Profile Form (“PPF”) served on BSC by December 15, 2013.

2. **February 17, 2014:** Plaintiffs shall provide Plaintiff Fact Sheets (“PFS”) and Medical Authorizations for all Wave 1 Cases. If a Wave 1 Plaintiff fails to provide a substantially complete PFS or executed authorization by this deadline, BSC has the option to file a Request for a Show Cause Order why the case should not be dismissed.

3. **March 21, 2014:** BSC shall provide a Defendant Fact Sheet (“DFS”) for all Wave 1 Cases. Regardless of this deadline, BSC agrees to serve the DFS and documents identified therein at least 14 days prior to an implanting doctor deposition.

4. **June 2, 2014:** Limited discovery shall be completed for Wave 1 Cases. Limited discovery shall consist of two (2) depositions, limited to implanting physician and Plaintiff.

5. **June 6, 2014:** Plaintiffs and BSC submit Trial and further work up Plan for Wave 1.

6. **October 14, 2014:** Trial for Wave 1.

Wave 2 Cases

7. **May 21, 2014:** Deadline for Wave 2 Cases to be selected. On or before May 21, 2014, each side will **file** a list of 50 cases (identifying plaintiff’s counsel of record for each case), without input from the other side. The 100 cases will comprise “Wave 2 Cases.” Each party will be the lead party on the 50 cases they select. The lead party has the option of coordinating depositions of the treating physicians and has the option of questioning treating physicians first. To be considered in Wave 2, all cases must be on file and have a substantially completed Plaintiff Profile Form (“PPF”) served on BSC by April 15, 2014.

8. **June 19, 2014:** Plaintiffs shall provide Plaintiff Fact Sheets (“PFS”) and Medical Authorizations for all Wave 2 Cases. If a Wave 2 Plaintiff fails to provide a substantially complete PFS or executed authorization by this deadline, BSC has the option to file a Request for a Show Cause Order why the case should not be dismissed.

9. **July 14, 2014:** BSC shall provide Defendant Fact Sheet (“DFS”) for all Wave 2 Cases. Regardless of this deadline, BSC agrees to serve the DFS and documents identified therein at least 14 days prior to an implanting doctor deposition.

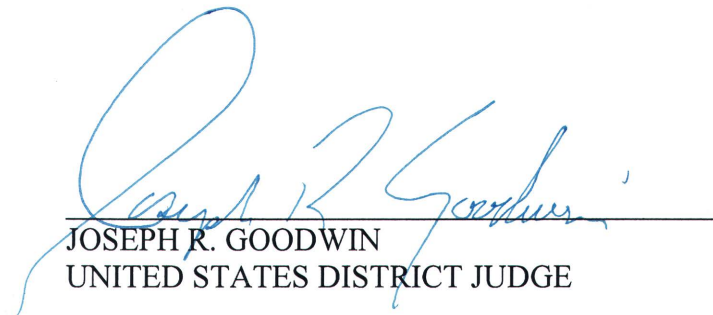
10. **October 2, 2014:** Limited discovery shall be completed for Wave 2 Cases. Limited discovery shall consist of two (2) depositions, limited to implanting physician and Plaintiff.

11. **October 6, 2014:** Plaintiffs and BSC submit Trial and further work up Plan for Wave 2.

12. **February 2015:** Trial for Wave 2.

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 2:12-cv-6816. 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: December 19, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE