

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

IN RE: BOSTON SCIENTIFIC CORP. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02326 MDL No. 2326
THIS DOCUMENT RELATES TO ALL CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**PRETRIAL ORDER # 32
(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 **March 1, 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 Initial Pool.
3. *Initial Pool Cases.* On **March 15, 2013**, the parties shall submit a list of a total of eighty (80) cases, forty (40) for each side, to be included in the Initial Pool Cases. Submissions shall be made to the Court's Clerk no later than 5:00 p.m., EST.
4. *Discovery Pool Cases.* By **March 22, 2013**, the parties shall each submit a list of a total of thirty (30) cases per MDL, fifteen (15) for each side, to be included in the Discovery Pool.
5. *Discovery Pool Cases – Case – Specific Discovery.* Case-Specific Discovery for Discovery Pool cases commences on **March 22, 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 of any Defendant who was present in the operating room during the implantation or explantation surgeries.

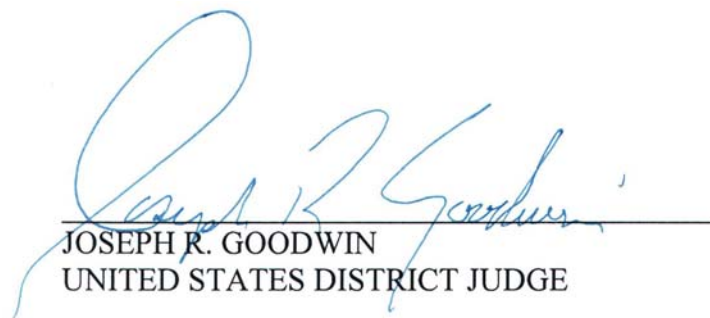
6. Plaintiff Fact Sheets. By **April 22, 2013**, each Plaintiff in the Discovery Pool must serve a substantively completed Plaintiff Fact Sheet (PFS).
7. Defendant Fact Sheets. By **April 22, 2013**, each Defendant shall serve a substantially completed Defendant Fact Sheet (DFS) for each case in the Discovery Pool (30 cases), including the disclosure of the identity of all sales representatives for each case in the Discovery Pool.
8. Trial Pool Cases. By **July 26, 2013**, the parties shall submit a list of a total of sixteen (16) cases per MDL, eight (8) for each side, to be included in the Trial Pool.
9. Bellwether Cases. Parties will make presentations to the Court on **August 1, 2013** on all Trial Pool cases, and the Court shall select a total of five (5) to be Bellwether trial cases. The Court shall complete its selection for the final five (5) Bellwether trial cases no later than **August 8, 2013**.
10. Expert Reports.
 - a. Plaintiffs shall serve expert reports by **September 16, 2013** for all Bellwether cases.
 - b. Defendants shall serve expert reports by **October 7, 2013** for all Bellwether Cases.
 - c. Plaintiffs shall serve rebuttal expert reports by **October 15, 2013** for all Bellwether Cases.
11. Written Discovery. Parties shall serve any and all final, non-duplicative written discovery no later than **September 30, 2013**.

12. Expert Discovery. Expert Discovery for Bellwether cases shall be completed by **November 8, 2013**. Expert depositions shall not begin until after Defendants have disclosed their experts.
13. Case-Specific Discovery. Discovery on all Bellwether cases shall be completed by **November 8, 2013**.
14. Motion Practice.
 - a. Daubert Motions
 1. Daubert Motions shall all be filed and served by **November 22, 2013**.
 2. All Responses to Daubert Motions shall be filed and served by **December 16, 2013**.
 3. All Replies to Daubert Motions shall be filed and served by **December 23, 2013**.
 - b. Dispositive Motions and Motions in Limine
 1. Dispositive Motions and Motions in Limine shall all be filed and served by **December 2, 2013**.
 2. All Responses to Dispositive Motions and Motions in Limine shall be filed and served by **December 30, 2013**.
 3. All Replies to Dispositive Motions and Motions in Limine shall be filed and served by **January 6, 2014**.
15. 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.

16. Trial. The first two (2) Boston Scientific cases shall be ready for trial on **February 11, 2014**.

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 2:13-cv-00789. 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: January 18, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE