

**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 # 54
(Bellwether Case Selections, Rounds 1 and 2)**

Pursuant to PTO ##s 32 and 51, following multiple submissions from the parties, bellwether presentations and careful consideration of the same, it is **ORDERED** that the following cases are selected for the first and second bellwether trials in this MDL:

- *Carol Lynn Fawcett, et al. v. Boston Scientific Corp.* 2:12-cv-07497 Pinnacle
- *Roseanne Sanchez, et al. v. Boston Scientific Corp.* 2:12-cv-05762 Pinnacle¹
- *Carolyn F. Smothers v. Boston Scientific Corp.* 2:12-cv-08016 Obtryx
- *Katherine L. Hall v. Boston Scientific Corp.* 2:12-cv-08186 Obtryx


I will try the first and second rounds of cases, set to begin on **February 11, 2014**, and **June 17, 2014**, respectively, from the list of cases above and in the order above, beginning with *Fawcett* on February 11, 2014. If *Fawcett* is not ready, has settled or is otherwise dismissed, I will move to *Sanchez* and so on. I have reserved a trial date of September 9, 2014, for a third round of Boston Scientific bellwethers, but at this time, find that I cannot chose a representative bellwether from the cases put forth by the parties.

¹ Plaintiffs have represented to the court that although Ms. Sanchez has been implanted with an Advantage SUI product, there has been no product failure, and her claims in the bellwether trial will relate only to the Pinnacle product.

It is **ORDERED** that the parties submit a proposed First Amended Docket Control Order to the court using PTO # 60 paragraphs 6-12 in the Ethicon MDL as a guide on or before **September 10, 2014**. Motion practice in the Docket Control Order should relate to all of the above bellwethers. Further, the parties are granted a twenty-one day extension of deadlines contained in PTO # 32; however I will not move the first trial date.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 *and in each of the cases listed above*, 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-21473. 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: August 29, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE