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

## **CHARLESTON DIVISION**

IN RE: ETHICON, INC.,

PELVIC REPAIR SYSTEMS

PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO:

MELANIE W. HOLLINGSWORTH,

Plaintiff,

v.

Civil Action No. 2:12-cv-03850

ETHICON, INC., ETHICON WOMEN'S HEALTH AND UROLOGY, GYNECARE, and JOHNSON & JOHNSON,

Defendants.

## **MEMORANDUM OPINION AND ORDER**

On September 5, 2018, a Suggestion of Death was filed by plaintiffs counsel suggesting the death of Melanie W. Hollingsworth during the pendency of this civil action. [ECF No. 53].

Pursuant to Federal Rule of Civil Procedure 25(a) and Pretrial Order ("PTO") # 308 (Requirements for Counsel to Deceased Plaintiffs) filed in *In re: Ethicon, Inc., Pelvic Repair System Products Liab. Litig.*, 2:12-md-2327 [ECF No. 6218], the time to substitute a proper party for the deceased party has expired and there has been no motion to substitute the deceased party. Melanie W. Hollingsworth is the only plaintiff named in this civil action.

The court **ORDERS** that pursuant to Rule 25(a) and PTO # 308, this case is **DISMISSED** without prejudice and **STRICKEN** from the docket. Any pending motions are **DENIED** as moot.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: January 16, 2020

JØSEPH R. GOODWIN

UNITED STATES DISTRICT JUDGE