

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 THE CASES LISTED ON EXHIBIT A

MEMORANDUM OPINION AND ORDER

Pending in the cases listed on Exhibit A attached hereto are motions to dismiss Boston Scientific Corp. (“BSC”) with prejudice for plaintiffs’ failure to serve Plaintiff Fact Sheets pursuant to deadlines and requirements established by the court’s previous pretrial order. No plaintiff on Exhibit A has responded to BSC’s motion filed in each individual case. The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the cases on Exhibit A should be dismissed without prejudice for failure to serve Plaintiff Fact Sheets in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that the motions to dismiss pending in the cases on Exhibit A are **GRANTED in part** to the extent BSC seeks dismissal and **DENIED insofar as BSC seeks dismissal with prejudice**. The court **ORDERS** that the cases on Exhibit A are dismissed without prejudice and stricken from the court’s docket.

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

ENTER: January 21, 2020


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

	Civil Action No.	Case Style	ECF No. of Motion
1	2:12-cv-05164	Rainey et al v. Boston Scientific Corporation	63
2	2:13-cv-00103	Longo et al v. Boston Scientific Corporation	16
3	2:13-cv-16436	Savov et al v. Boston Scientific Corporation	25
4	2:13-cv-18881	Garcia et al v. Boston Scientific Corporation	23
5	2:13-cv-21284	Roth v. Boston Scientific Corporation	11
6	2:13-cv-29356	Moore et al v. Boston Scientific Corporation	19
7	2:13-cv-30250	Moss et al v. Boston Scientific Corporation	19
8	2:15-cv-07583	Edmondson et al v. Boston Scientific Corporation	25
9	2:15-cv-13135	Brosie et al v. Boston Scientific Corporation	17
10	2:17-cv-03031	High v. Boston Scientific Corporation	14