

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 11, 2019

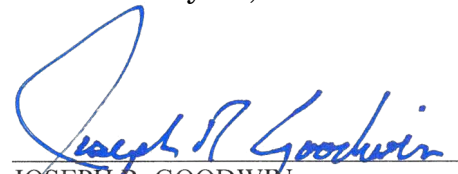

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

| | Docket | Case Name |
|----|----------------|---|
| 1 | 2:14-cv-04772 | ALVAREZ, Marlene and Rodolfo Alvarez vs. Boston Scientific Corporation |
| 2 | 2: 13-cv-18445 | ARMENDARIZ, Carmen and Jesus Armendariz vs. Boston Scientific Corporation |
| 3 | 2:14-cv-27614 | ASHMORE, Donna vs. Boston Scientific Corporation |
| 4 | 2:15-cv-11492 | BALLWEG, Karen vs. Boston Scientific Corporation |
| 5 | 2:14-cv-11862 | BAYBROOK, Stephanie and Robert Baybrook vs. Boston Scientific Corporation |
| 6 | 2:16-cv-03136 | BERG, Theresa and Bruce Berg vs. Boston Scientific Corporation |
| 7 | 2:15-cv-02116 | BORDER, Karen vs. Boston Scientific Corporation |
| 8 | 2:18-cv-00359 | Brickner v. Boston Scientific Corporation |
| 9 | 2:18-cv-01080 | Brooks v. Boston Scientific Corporation |
| 10 | 2:14-cv-21311 | BROWN-EASTER, Regina vs. Boston Scientific Corporation |
| 11 | 2:17-cv-03019 | BRUMMETT, Karen G. vs. Boston Scientific Corporation |
| 12 | 2:13-cv-24478 | BUCELLI, Megan Beth vs. Boston Scientific Corporation |
| 13 | 2:12-cv-01397 | BUCK, Janette vs. Boston Scientific Corporation |
| 14 | 2:14-cv-27515 | CALDWELL, Rochelle and Dwayne Caldwell vs. Boston Scientific Corporation |
| 15 | 2:12-cv-04881 | COLLINS, Janise L. vs. Boston Scientific Corporation |
| 16 | 2:15-cv-06225 | COLLINS, Deborah vs. Boston Scientific Corporation, |
| 17 | 2:13-cv-18296 | CURTNER, Cynthia and John Curtner vs. Boston Scientific Corporation |
| 18 | 2:12-cv-00770 | DAVIS, Tina vs. Boston Scientific Corporation |
| 19 | 2:14-cv-04455 | DUBOIS-JEAN, Margarete vs. Boston Scientific Corporation |
| 20 | 2:14-cv-15794 | ENRIQUEZ, Dorothy vs. Boston Scientific Corporation |
| 21 | 2:13-cv-22978 | FUSS, Justine and George Fuss vs. Boston Scientific Corporation |
| 22 | 2:13-cv-21783 | GARCIA, Roberta and Raynaldo Garcia vs. Boston Scientific Corporation |
| 23 | 2:15-cv-10555 | GIESER, Karen vs. Boston Scientific Corporation |
| 24 | 2:13-cv-31332 | GINN, Marylou vs. Boston Scientific Corporation |
| 25 | 2:13-cv-16249 | GOFORTH, Wilda vs. Boston Scientific Corporation |

EXHIBIT A

| | Docket | Case Name |
|----|---------------|--|
| 26 | 2:14-cv-06253 | GREATHOUSE, Jenis vs. Boston Scientific Corporation |
| 27 | 2:16-cv-05576 | GRUBBS, Margarita and Jimmy Kenneth Grubbs vs. Boston Scientific Corporation |
| 28 | 2:16-cv-03050 | HALL, Carol and Steve Hall vs. Boston Scientific Corporation |
| 29 | 2:13-cv-01731 | HAMMONDS, Richelle L. vs. Boston Scientific Corporation |
| 30 | 2:13-cv-28138 | HARTNESS, Amy vs. Boston Scientific Corporation |
| 31 | 2:15-cv-13092 | HERBERT, Christine vs. Boston Scientific Corporation |
| 32 | 2:14-cv-20861 | HYLAND, Kimberly vs. Boston Scientific Corporation |
| 33 | 2:18-cv-01205 | Jacomet et al v. Boston Scientific Corporation |
| 34 | 2:14-cv-00043 | JIMENEZ, Kelli vs. Boston Scientific Corporation |
| 35 | 2:13-cv-27794 | Johnson et al v. Boston Scientific Corporation |
| 36 | 2:14-cv-11987 | WRIGHT, Veronica and Mark Lespinasse vs. Boston Scientific Corporation |
| 37 | 2:14-cv-08046 | YOCUM, Karen Topham and Richard Yocum vs. Boston Scientific Corporation |
| 38 | 2:13-cv-17132 | KILGORE, Margie and Donald Kilgore vs. Boston Scientific Corporation |
| 39 | 2:13-cv-24491 | KNIGHT, Pennie vs. Boston Scientific Corporation |
| 40 | 2:18-cv-00334 | Lappe et al v. Boston Scientific Corporation |
| 41 | 2:15-cv-07256 | LARIMORE, Angela vs. Boston Scientific Corporation |
| 42 | 2:13-cv-16773 | LARVIE, Lynda vs. Boston Scientific Corp. |
| 43 | 2:18-cv-00556 | Lloyd et al v. Boston Scientific Corporation |
| 44 | 2:13-cv-04994 | LUCERO, Rose and Robert Lucero vs. Boston Scientific Corporation |
| 45 | 2:14-cv-21616 | MACMILLAN, Ruth vs. Boston Scientific Corporation |
| 46 | 2:13-cv-02846 | MADDOX, Shirley vs. Boston Scientific Corporation |
| 47 | 2:12-cv-08209 | MARTIN, Teia Dion and Brad Neal Martin vs. Boston Scientific Corporation |
| 48 | 2:12-cv-09004 | MARTIN, Lucinda vs. Boston Scientific Corporation |
| 49 | 2:14-cv-04321 | MULLARKEY, Debra vs. Boston Scientific Corporation |
| 50 | 2:14-cv-04114 | MURRAH, Judy vs. Boston Scientific Corporation |
| 51 | 2:16-cv-07996 | NOTO, MaryAlice and Anthony Noto vs. Boston Scientific Corporation |

EXHIBIT A

| | Docket | Case Name |
|----|---------------|--|
| 52 | 2:16-cv-05563 | NUNEZ, Velma Vaesa and Lorenzo Nunez vs. Boston Scientific Corporation |
| 53 | 2:14-cv-13065 | PAGE, Maureen Margaret and David Page vs. Boston Scientific Corporation |
| 54 | 2:13-cv-23052 | PARKER, Anita Jo vs. Boston Scientific Corporation |
| 55 | 2:14-cv-14068 | PETERS, Elizabeth vs. Boston Scientific Corporation |
| 56 | 2:16-cv-07652 | PLUMMER, Jerri and Michael Plummer vs. Boston Scientific Corporation |
| 57 | 2:15-cv-00904 | PROCTOR, Elaine and George Sinclair vs. Boston Scientific Corporation |
| 58 | 2:14-cv-06266 | PRUITT, Alexis vs. Boston Scientific Corporation |
| 59 | 2:14-cv-25446 | REED, Irene vs. Boston Scientific Corporation |
| 60 | 2:16-cv-03620 | RICE, Betty and Steven L. Rice vs. Boston Scientific Corporation |
| 61 | 2:13-cv-23031 | RIOS, Terry and Wayne Budgell vs. Boston Scientific Corporation |
| 62 | 2:12-cv-03188 | ROBERTS, Joanna and Edward Roberts vs. Boston Scientific, Inc. and John Doe Corporations 1-50 (fictitious) |
| 63 | 2:18-cv-00719 | Rock v. Boston Scientific Corporation |
| 64 | 2:13-cv-18311 | RODRIGUEZ, Andrea and Arturo Cortez vs. Boston Scientific Corporation |
| 65 | 2:14-cv-30521 | RODRIGUEZ, Olivia A. vs. Boston Scientific Corporation |
| 66 | 2:13-cv-27789 | ROGERS, Kamelia vs. Boston Scientific Corporation |
| 67 | 2:18-cv-00297 | Rogers v. Boston Scientific Corporation et al |
| 68 | 2:18-cv-01102 | Rubio et al v. Boston Scientific Corporation |
| 69 | 2:18-cv-00578 | Sanders v. Boston Scientific Corporation et al |
| 70 | 2:14-cv-30103 | SCHEIBNER, Sharron K. vs. Boston Scientific Corporation |
| 71 | 2:18-cv-01168 | Selig v. Boston Scientific Corporation |
| 72 | 2:14-cv-21181 | SHEARER, Heather A. vs. Boston Scientific Corporation |
| 73 | 2:14-cv-07062 | SHIELDS, Joan Carol vs. Boston Scientific Corporation |
| 74 | 2:12-cv-03317 | SMITH, Sandra and John Smith vs. Boston Scientific, Inc. and John Doe Corporations 1-50 (fictitious) |
| 75 | 2:16-cv-03070 | THOMAS, Carolyn vs. Boston Scientific Corporation |

EXHIBIT A

| | Docket | Case Name |
|----|---------------|---|
| 76 | 2:16-cv-01957 | TOELLNER, Norma vs. Boston Scientific Corporation |
| 77 | 2:13-cv-11695 | TOON, Regina vs. Boston Scientific Corporation |
| 78 | 2:13-cv-12261 | TURNER, Daphne vs. Boston Scientific Corporation |
| 79 | 2:13-cv-00503 | WESTBY, Dorothy and Jerry L. Farquhar vs. Boston Scientific Corporation |
| 80 | 2:14-cv-06297 | WHATLEY, Jessica and Joshua Whatley vs. Boston Scientific Corporation |