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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

In Re: Boston Scientific Corporation Spinal
Cord Stimulator Products Liability
Litigation

CASE NO. 2:26-ml-03181-JLS-E

This Document Relates to:
ALL ACTIONS

**PRETRIAL ORDER NO. 1: SETTING
INITIAL SCHEDULING
CONFERENCE**

By order of the Judicial Panel on Multidistrict Litigation, the actions listed in Exhibit A of this Order were transferred and assigned to this Court for coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407. (See Transfer Order, Doc. 1.) Tag-along actions that are before this Court are also identified in Exhibit A, and additional tag-along actions may be transferred. Because these cases merit special attention as complex litigation, this Court ORDERS the following:

1. **SCHEDULING CONFERENCE.** Counsel for all parties shall appear for a conference on **Wednesday, August 5, 2026** at 10:30 a.m. in Courtroom 8A of the Felicitas and Gonzalo Mendez U.S. Courthouse, 350 W First Street, Los Angeles, CA, 90012. The conference will be held for the purposes specified in Federal Rules of Civil Procedure 16(a), 16(b), 16(c), and 26(f). Counsel are requested to check in with the Courtroom Deputy at least fifteen minutes in advance of the hearing.

a. **Conference Agenda.** The Court intends to address the following issues at the initial scheduling conference: (1) the overall structure of Counsel, (2) the

1 appointment of Plaintiffs' Lead Counsel, (3) the outstanding motions to
2 dismiss, (4) preliminary case management issues, including the frequency of
3 regular status conferences, and (5) any other issues requiring prompt
4 resolution.

5 b. **Attendance and Representation.** While the Court strongly prefers that
6 counsel appear in-person, Zoom appearances will be permitted for the
7 conference if there are extenuating circumstances. Any request for a Zoom
8 appearance should be made in accordance with this Court's regular
9 procedures. Additionally, if a party's counsel is unable to attend the
10 conference, that party may designate another counsel to represent his or her
11 interests at the conference. Moreover, to minimize costs and facilitate a
12 manageable conference, parties with similar interests may also agree on a
13 single attorney, or a limited number of attorneys, to act on their joint behalf
14 at the conference. A party will not, by designating an attorney to represent
15 his or her interests at the conference, be precluded from other representation
16 during the litigation.

17 c. **Other Participants.** Persons who are not named as parties in this litigation
18 but may later be joined as parties, and persons who are parties in related
19 litigation pending in other federal and state courts, are invited to attend in
20 person or by counsel.

21 d. **Other Counsel.** This Order is being emailed or mailed to counsel identified
22 in the actions listed in Exhibit A. Counsel on this list are requested to
23 forward a copy of this Order to other attorneys who should be notified of the
24 conference. An updated service list will be prepared after the conference.

25 e. **Rules.** Counsel are expected to be familiar with the Manual for Complex
26 Litigation, Fourth Edition. Counsel are also required to review the Local
27 Rules for the Central District of California and this Court's general
28

1 procedures, all of which may be found on the Central District of California
2 website at www.cacd.uscourts.gov.

3 **2. DESIGNATED COUNSEL**

4 The Court designates the following Plaintiff's counsel to arrange initial conferences
5 of Plaintiffs' counsel and to coordinate the preparation and filing of any reports called for
6 in this Order: Behram V. Parekh, Wisner Baum LLP and Trevor B. Rockstad, Davis and
7 Crump PC.

8 This designation will not have any impact on the Court's ultimate selection of Lead
9 or Liaison Counsel.

10 **3. ORGANIZATION OF COUNSEL**

11 a. By **July 24, 2026**, all counsel for Plaintiffs shall meet and confer and file a
12 single report of no longer than **five (5) pages** including the following:

13 i. A statement on counsel's position(s) on the organizational structure of
14 Plaintiff's counsel the Court should adopt for this case, including the
15 proposed structure and responsibilities for Lead Counsel, any Liaison
16 Counsel, or any steering committees.

17 ii. If Plaintiffs' counsel agree that certain individuals should serve as
18 Lead Counsel or Liaison Counsel, or lead proposed steering
19 committees, they should include this information in their report.
20 However, Plaintiffs' counsel will still be required to submit
21 applications to be appointed as Lead Counsel, as set forth below.

22 iii. To the extent counsel's views may differ, those differing views should
23 be outlined in the report.

24 **4. APPLICATIONS FOR PLAINTIFFS' LEAD/LIAISON COUNSEL**

25 **APPOINTMENTS.** Applications for Plaintiffs' Lead/Liaison Counsel positions
26 must be filed on or before **July 24, 2026**.

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a. **Responsibilities of Plaintiffs’ Lead Counsel.** The Court envisions appointing one or more counsel as Plaintiffs’ Lead Counsel. Plaintiffs’ Lead Counsel shall be generally responsible for coordinating the activities of plaintiffs during pretrial proceedings, and they are charged with formulating (in consultation with other counsel) and presenting positions on core substantive and procedural issues during the litigation. Plaintiffs’ Lead Counsel will act for the group—either personally or by coordinating the efforts of others—in presenting written and oral arguments and suggestions to the court, working with opposing counsel in developing and implementing a litigation plan, initiating and organizing discovery requests and responses, conducting the principal examination of deponents, employing experts, and arranging for support services.

b. **Criteria for Lead Counsel Appointments.** The main criteria for these appointments are: (1) knowledge and experience in prosecuting complex litigation, including class actions and other MDL actions, (2) willingness and ability to immediately commit to time-consuming litigation, (3) ability to work cooperatively with others, and (4) access to sufficient resources to prosecute the litigation in a timely manner.

c. **Required Content for Lead Counsel Applications.** The Court requires individual applications for a Lead Counsel position. Applications must include:

- i. A resume no longer than two pages
- ii. A letter no longer than three pages (single-spaced) that addresses the following criteria:

- 1. The four criteria for appointments identified above in subsection b;

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- 2. The names and contact information of judges before whom the applicant has appeared in complex matters discussed in response to criterion b(1);
- 3. Any other considerations that qualify counsel for a leadership position; and
- 4. Attorney fee proposals, rates, and/or percentages that applicants expect to seek if the litigation succeeds in creating a common fund. The Court observes that it shall make the final determination as to the compensation and reimbursement of Plaintiffs' Counsel.

- iii. Applications may also include an attachment indicating the names of other counsel who have filed cases in this MDL litigation and support the applicant's appointment as lead counsel.
- iv. Applications should indicate whether, in the event that the Court opts to appoint both Lead Counsel and Liaison Counsel for Plaintiffs, counsel is willing to serve as Liaison Counsel for Plaintiffs if they are not appointed as Lead Counsel.

d. **Initial Scheduling Conference.** At the initial scheduling conference set for August 5, 2026 at 10:30 a.m., an applicant may speak for up to five minutes in support of his or her application. Only those attorneys who submit a timely application shall have the chance to speak.

5. **PRELIMINARY JOINT REPORT.** By July 24, 2026, in preparation for the initial scheduling conference, counsel will submit to the Court *one joint* preliminary report of no more than 25 pages. Defendants' Counsel shall take charge of preparing and filing this joint report. Where possible, the Court urges counsel to set forth their views in a single report that notes both consensus views and divergent views, should any disagreements arise. Any party may supplement the report with a

1 filing of no more than five pages. Any supplement must also be filed by the July
2 24, 2026 deadline.

3 a. ***Meet and Confer.*** Before submitting this report and in preparation for the
4 initial scheduling conference, counsel shall meet and confer to seek
5 consensus, wherever possible, on any immediate issues and other matters
6 they wish to bring to the attention of the Court.

7 b. ***Content of the Report.*** The preliminary report shall include the following
8 under corresponding section headings:

9 i. A statement of counsel’s understanding of the facts and the key legal
10 issues in this case. Counsel should underscore where facts and legal
11 issues may materially differ between certain categories of cases. Any
12 potentially dispositive issues should be separately identified. These
13 statements will not be binding, will not waive claims or defenses, and
14 may not be offered into evidence against a party in later proceedings.

15 ii. A statement of counsel’s position(s) on the need for consolidated
16 and/or master complaint(s), and/or short-form complaint(s) in this
17 action. A statement of counsel’s position(s) on how the Court should
18 address the pending motions to dismiss in the individual cases.

19 iii. An estimate of the total number of related cases counsel expect to be
20 filed. A statement of counsel’s view(s) on best practices for docket
21 management in light of the estimated total number of cases (i.e.,
22 whether documents affecting all actions be filed only on the MDL
23 docket, or also on the dockets of the individual actions).

24 iv. A list of all known related cases pending in state or federal court and
25 their current status.

26 v. A list of all pending motions.
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- 1 vi. A list of all adjudicated motions (not including pro hac vice motions,
2 motions for extension, or other ministerial motions).
- 3 vii. A list of all outstanding discovery.
- 4 viii. A list of all parents, subsidiaries, and companies affiliated with the
5 corporate parties, as well as a list of all counsel associated in this
6 litigation. These lists will help the Court identify any issues relating
7 to recusal or disqualification.
- 8 ix. Counsel’s position(s) on whether there is a need to appoint a special
9 master pursuant to Federal Rule of Civil Procedure 53 or an
10 independent scientific expert.
- 11 x. Counsel’s view(s) on whether it would be helpful to the Court to
12 receive a technical tutorial on the product(s) involved in this case and,
13 if so, in what format.
- 14 xi. A brief statement regarding any other topics that counsel seeks to
15 address at the initial scheduling conference that require immediate
16 attention.

17 **6. INTERIM MEASURES.** The Court adopts the following interim measures:

- 18 a. **Admission of Counsel.** Attorneys admitted to practice and in good standing
19 in any United States District Court are admitted pro hac vice in this
20 litigation. The requirement that pro hac vice counsel retain local counsel is
21 waived and does not apply to this MDL action.¹
- 22 b. **Filing.** If not already registered, each attorney of record is obligated to
23 register for electronic filing (CM/ECF) in the Central District of California.
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26 ¹ Rule 1.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation provides
27 that parties in actions transferred under 28 U.S.C. § 1407 may continue to be represented in the
28 transferee district by existing counsel, without being required to obtain local counsel. Manual for
Complex Litigation § 11.12 n.81.

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More information can be found in the Court’s Local Rules and on the Court’s website.

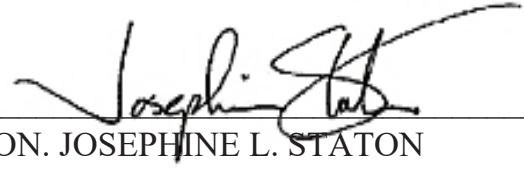
- i. The Clerk of Court will maintain a master docket case file styled “In re: Boston Scientific Corporation Spinal Cord Stimulator Products Liability Litigation” and the case number “2:26-ml-03181.”
- ii. All documents relating to any cases in this MDL action shall be filed in this Master file. Documents that pertain to all actions shall have the following language on the caption page: “This Document Relates to: ALL ACTIONS.” When a document is intended to apply to fewer than all cases, this Court’s docket number for each individual case shall appear immediately after the words “This Document Relates to.”
- c. **Orders of Transferor Courts.** All orders by transferor courts imposing dates for pleading or discovery are vacated.
- d. **Response Extension and Stay.** Defendants are granted an extension of time for responding by motion or answer to the complaints until a date to be set by this Court. Pending further order of this Court, all outstanding discovery proceedings are stayed, and no further discovery shall be initiated. Except for motions for emergency relief, no motion shall be filed until and in accordance with the Scheduling Order. All pending motions must be re-noticed for resolution once the Court sets a schedule for any such motions.
- e. **Preservation of Records.** Until the parties reach agreement on a plan for preservation of records, all parties and their counsel must preserve all evidence that may be relevant to these actions.
- f. **Later Filed Cases.** This Order shall also apply to related cases later filed in, removed to, or transferred to this Court.
- g. **Website.** The Court intends to publish key orders, notices, and other items of interest to an MDL webpage, which will be accessible from the Central

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District of California’s Cases of Interest webpage:
<https://www.cacd.uscourts.gov/newsworthy/cases-of-interest>. The webpage
will be established shortly.

IT IS SO ORDERED.

DATED: June 23, 2026



HON. JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE

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EXHIBIT A
**In Re: Boston Scientific Corporation Spinal Cord Stimulator Products Liability
Litigation
Individual Cases**

Central District of California

- 2:25-cv-06515-JLS-E: Rodney William Grainger, Sr. v. Boston Scientific Corporation et al
- 2:25-cv-11508-JLS-E: Linda Guthrie v. Boston Scientific Corporation et al
- 2:25-cv-08919-JLS-E: Rebecca Weisman v. Boston Scientific Corporation et al
- 2:26-cv-00825-JLS-E: Brian Martini v. Boston Scientific Corporation et al
- 2:25-cv-09958-JLS-E: Ollie Wilson v. Boston Scientific Corporation et al
- 2:26-cv-00832-JLS-E: Ronat Kelly v. Boston Scientific Corporation et al
- 2:25-cv-08821-JLS-E: Diona Smith v. Boston Scientific Corporation et al
- 2:26-cv-02789-JLS-E: Sharyn Clark v. Boston Scientific Corporation et al
- 2:26-cv-03543-JLS-E: Stacy Neal et al v. Boston Scientific Corporation et al
- 2:26-cv-03679-JLS-E: Tone Silas v. Boston Scientific et al
- 2:26-cv-02830-JLS-E: Maryann Bozichovich et al v. Boston Scientific Corporation et al
- 2:26-cv-04744-JLS-E: Debra Arrasmith v. Boston Scientific Corporation et al
- 2:26-cv-05211-JLS-E: Hoover Johnson Jr. v. Boston Scientific Corporation et al
- 2:26-cv-05185-JLS-E: Randall Oldham v. Boston Scientific Corporation et al
- 2:26-cv-05784-JLS-E: Terry Miller et al v. Boston Scientific Corporation et al

Northern District of Illinois

- 2:26-cv-06419-JLS-E: Sherri Miyagi v. Boston Scientific Corporation et al

Northern District of Mississippi

- 2:26-cv-06426-JLS-E: Kenneth Davis v. Boston Scientific Corporation et al

Southern District of Mississippi

- 2:26-cv-06428-JLS-E: Morris v. Boston Scientific Corporation et al