

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: BOSTON SCIENTIFIC
CORPORATION SPINAL CORD
STIMULATOR PRODUCTS
LIABILITY LITIGATION

This Document Relates to:
ALL ACTIONS

Case No. 2:26-ml-03181-JLS-E

**PRETRIAL ORDER NO. 4: DIRECT
FILING ORDER**

1 Having considered the Preliminary Report of the parties, as discussed at the
2 initial conference on August 5, 2026, and pursuant to their agreement and in order
3 to eliminate delays associated with the transfer to this Court of actions filed in or
4 removed to other federal district courts and to otherwise promote efficiency, the
5 Court hereby ORDERS as follows:

6 **I. DIRECT FILING OF CASES INTO MDL NO. 3181**

7 Pursuant to 28 U.S.C. §1407 and the Transfer Order dated June 5, 2026 of the
8 Judicial Panel on Multidistrict Litigation (“Transfer Order”), any Plaintiff whose
9 action would otherwise be subject to transfer to MDL No. 3181 under the Transfer
10 Order may hereinafter file his or her complaint directly in the Central District of
11 California, and should identify the case as a member case to Case No. 2:26-md-
12 3181-JLS. All complaints shall be filed on behalf of a single plaintiff only; no multi-
13 plaintiff complaints shall be permitted.

14 Any plaintiff who files a complaint in accordance with this Order prior to the
15 Court’s approval of the short form complaint must also comply with any future order
16 regarding the filing of short form complaints.

17 Defendants’ obligation to answer, move, or otherwise respond to any
18 complaints in this MDL, including direct-filed complaints, continues to be stayed
19 pending further Court order, and all objections and affirmative defenses as to any
20 direct-filed complaints or cases previously transferred into this MDL are preserved.

21 **II. VENUE**

22 Defendants agree that they will not assert any objection of improper venue
23 pursuant to Fed. R. Civ. P. 12(b)(3) with regard to pretrial proceedings in this District
24 as to any direct-filed cases. Defendants reserve the right pursuant to 28 U.S. Code
25 §§ 1391 and 1406(a) to oppose and object to any improper venue proposed for trial.
26 For further clarity and consistency with the Transfer Order, each action directly filed
27 in this MDL and originating from another federal district has been so filed in this
28

MDL solely for pretrial proceedings. The parties have not waived their rights to transfer any action in this MDL to a court of proper venue under 28 U.S. Code §§ 1391 and 1406(a) and *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), upon completion of pretrial proceedings.

The inclusion of any direct-filed action in MDL 3181 shall not constitute a determination by this Court that venue is proper for purposes of trial in this District or any specific other district. Likewise, nothing in this Order shall be construed as a waiver of personal jurisdiction by any named Defendant, served or unserved.

III. DIRECT-FILED CASES SUBJECT TO COURT ORDERS

Any case direct-filed into the MDL pursuant to this Order shall be subject to the provisions of all prior and subsequent orders of the Court.

IV. PRESUMPTIVE DESIGNATED FORUM

The complaint in each case filed directly in this District as a member case of the MDL should include a statement indicating that it is being filed in accordance with this Pretrial Order No. 3 and **shall include a designation of the venue which shall be the presumptive place of remand** absent an agreement otherwise among the parties or a determination by the Court that the place of remand should be elsewhere based upon good cause.

At the completion of all pretrial proceedings in an action direct-filed in this Court pursuant to this Order and upon a determination that the action is ripe for remand for the purpose of conducting trial proceedings, the Court will resolve any venue challenges, objections, or disputes. This Court will then transfer the action to that federal district court having proper venue as defined by 28 U.S.C. § 1391. Defendants reserve and do not waive any objection or affirmative defense of improper venue and/or lack of personal jurisdiction as to plaintiffs' designation. The inclusion of any action in this MDL, whether filed originally or directly in the

Central District of California, shall not constitute a determination by this Court that jurisdiction or venue for purposes of trial is proper.

V. EFFECT OF FILING ON STATUTE OF LIMITATIONS

The defendants agree that the filing of a complaint directly in this Court pursuant to this Order shall stop the running of any statute of limitations, statute of repose, or prescriptive or preemptive period to the same extent as if the complaint had been filed in a court of appropriate jurisdiction and venue on the date of direct filing in this MDL, even if an ultimate determination is made following the conclusion of this MDL that the presumptive designated district court alleged in the complaint lacked personal jurisdiction over defendants or was an improper venue.

VI. CHOICE OF LAW

The parties' agreement to this Order and the designation of a presumptive district in a direct-filed complaint shall have no impact on the choice of law that would otherwise apply to an individual action, including the statute of limitations that otherwise would apply to the individual case had it been originally filed in another court and transferred to this Court pursuant to 28 U.S.C. § 1407, and does not constitute a waiver of or agreement to the application of any choice of law principles as to a particular Plaintiff's action.

VII. ELECTRONIC FILING OF COMPLAINTS

All complaints must be filed electronically using this District's CM/ECF system. Filing of a complaint in this District requires the completion of Form CM-010 Civil Case Cover Sheet which can be found here: <https://www.cacd.uscourts.gov/court-procedures/forms>. When filing a complaint in this District pursuant to this Order, Plaintiff's counsel must check the box in Section IV to indicate the case is being direct-filed into the MDL, and must identify the MDL Case number, 2:26-md-3181-JLS in Section IX(b) of the Civil Case Cover Sheet to ensure the case is included as a member case of the MDL

Before any Plaintiff's attorney files a complaint in this District pursuant to this Order, that attorney must become a Central District of California CM/ECF User. All forms and instructions may be found on the Court's website at <https://www.cacd.uscourts.gov/e-filing/electronic-filing-and-case-access-attorneys> as modified by PTO-1 and PTO-3. Plaintiffs' counsel should contact Plaintiffs' Liaison Counsel, Ashleigh Raso, at araso@nighgoldenberglaw.com if they have any questions about how to become a CM/ECF user.

a. Caption

Any Complaint that is directly filed into MDL 3181 pursuant to this CMO shall bear the following caption:

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

<i>Plaintiff</i> v. <i>Defendants</i> A member of MDL 3181: IN RE: BOSTON SCIENTIFIC CORPORATION SPINAL CORD STIMULATOR PRODUCTS LIABILITY LITIGATION	Case No. _____ Case No. 2:26-ml-03181-JLS-E
--	--

b. Individual Cases

Cases directly filed in MDL 3181 shall be filed as individual cases, not in the master docket. However, for now and until otherwise ordered, each counsel who has not already made an appearance in the master docket should make a single

appearance in the Master Docket.¹ A notice of appearance by plaintiff's counsel in the master docket shall not be made for any subsequently filed complaints.

VIII. SERVICE OF PROCESS

a. Boston Scientific Corporation and Boston Scientific Neuromodulation Corporation

At this time, service on Boston Scientific Corporation and/or Boston Scientific Neuromodulation Corporation can be made by sending separate requests to waive service in the manner prescribed in Fed. R. Civ. P. 4(d)(1) to the following email address: BSCMDL3181service@nelsonmullins.com. Proof of service should be filed only in the individual case docket once the signed waiver form is returned.

b. Federal Drug Administration

Service on the U.S. Food and Drug Administration must be completed in compliance with Federal Rule of Civil Procedure 4(i).

IX. MDL WEBSITE

Visit the MDL website to see a list of relevant Orders issued by the Court for this MDL: https://www.cacd.uscourts.gov/newsworthy/cases-of-interest-all?field_case_name_tid=%22Boston%20Scientific%20Corp.%20Spinal%20Cord%20Stimulator%20MDL%22

Dated: August 18, 2026



HON. JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE

¹ The Court is currently working to develop a more automated way of populating attorney information on the master docket and may update this Order accordingly.