

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

| | | |
|---------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------|
| IN RE: BIOMET M2a MAGNUM HIP IMPLANT PRODUCT LIABILITY LITIGATION (MDL 2391) |))))))) | CAUSE NO. 3:12-MD-2391-RLM-CAN Judge Robert L. Miller, Jr. |
| | | This Document Relates to All Cases |

**BIOMET DEFENDANTS' CERTIFICATION PURSUANT TO THE COURT'S
DECEMBER 10, 2013 ORDER**

Pursuant to the Court's December 10, 2013 Scheduling Order, the Biomet Defendants submit the following certification regarding their document production:

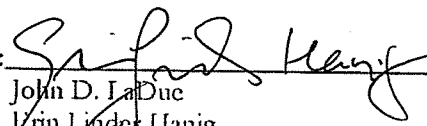
1. Biomet has undertaken reasonable and diligent efforts to identify, collect, and produce to Plaintiffs documents pertaining to the metal-on-metal hip implants at issue in this litigation.
2. In April 2012, Biomet collected hardcopy and electronic documents from the hard drives, email, and network shares of 28 employees listed in Exhibit A as well as from centralized data sources listed in Exhibit B.
3. Biomet has completed its production of relevant non-privileged documents from this collection as it relates to the 28 custodians and has substantially completed the production from the centralized data sources.
4. In total, Biomet has produced 1,291,135 documents, totaling 8,116,374 pages over the course of 23 document productions.
5. To identify responsive documents within the initial collection, Biomet first applied its own keywords and then went back and applied joint keywords agreed to by the parties after the Court's April 18, 2013 Order. The total number of documents and corresponding attachments retrieved by keyword culling after deduplication was approximately 3.2 million. Biomet then used eleven iterations of technology-assisted review and other software analytics tools to identify relevant documents. Both parties selected documents for training, with Plaintiffs' documents incorporated into the training after the Court's April 2013 Order.
6. Once these productions were completed, Biomet assessed the quality and completeness of its discovery efforts using statistical sampling.
7. A random sample with a confidence level of 95% and estimation interval of 2% of 2,400 documents was drawn from the 19.5 million initial document collection. This

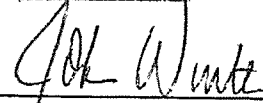
sample was reviewed to obtain recall (the proportion of relevant documents identified by the review) and precision (the proportion of identified documents that are relevant) metrics for the keyword selection, review, and production of this data. After review, 77 documents were identified as relevant and the remaining 2323 were found to be non-responsive. Comparing the review and production to the results from the sample, 67 documents were true positives (relevant documents correctly identified as relevant), 2111 were true negatives (non-relevant documents correctly identified as non-relevant), 212 were false positives (non-relevant documents incorrectly identified as relevant), and 10 were false negatives (relevant documents incorrectly identified as non-relevant). This translates to an estimated recall of 87.01% (the proportion of relevant documents identified by the review) and an estimated precision of 24.01% (the proportion of identified documents that are relevant).

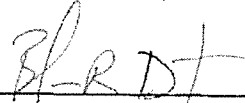
8. A random sample with a confidence level of 95% and estimation interval of 2% of 2,400 documents was also drawn from the total 3.2 million document population in the keyword-culled and deduplicated documents in the review site. This sample was reviewed to obtain precision and recall metrics for the review and production of this data. After review, 270 documents were identified as relevant and the remaining 2130 were found to be non-relevant. Comparing the review and production to the results from the sample, 239 documents were true positives, 1760 were true negatives, 370 were false positives, and 31 were false negatives. This translates to an estimated recall of 88.52% and an estimated precision of 39.24%.
9. These sampling results indicate that Biomet located the responsive documents in its initial collection.
10. Biomet's discovery efforts are continuing. In response to Plaintiffs' request, Biomet is currently locating and producing, to the extent they are reasonably accessible and can be restored, relevant emails and documents from 2008 and earlier on a rolling basis. Documents relating to several of the 28 custodians listed in Exhibit A will be included in these productions.

11. To the best of Biomet's knowledge, information, and belief formed after the reasonable inquiry described above and subject to the efforts described in paragraph 10, Biomet's production of custodial files for the 28 custodians listed in Exhibit A from its initial collection is complete.

DATED: January 3, 2014.

By: 
John D. LaDuc
Lrin Linder Hanig
LADUC, CURRAN & KUEHN LLC
200 First Bank Building
205 West Jefferson Boulevard
South Bend, IN 46601
Tel: (574) 968-0760
laduc@lck-law.com
chanig@lck-law.com

By: 
John D. Winter
Jenya Moshkovich
PATTERSON BELKNAP WEBB
& TYLER LLP
1133 Avenue of the Americas
New York, New York 10036
Tel: (212) 336-2000
winter@pbwl.com
jmoshkovich@pbwl.com

By: 
Blaine Dart
BIOMET, INC.
56 E. Bell Drive
South Bend, IN 46681 0587

CERTIFICATE OF SERVICE

I certify that on January 3, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which provided electronic service upon all counsel of record.

/s/ Erin Linder Hanig

Erin Linder Hanig (29113-71)