

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: BIOMET M2a MAGNUM HIP)
IMPLANT PRODUCTS LIABILITY) Cause No. 3:12-MD-2391
LITIGATION (MDL 2391))
)
_____)
)
This Document Relates to:)
)
NED I. PRICE and SUSAN M. PRICE,)
)
Plaintiffs)
)
vs.) Cause No. 3:14-CV-275 RLM-MGG
)
BIOMET, INC., *et al.*,)
)
Defendants)

SUGGESTION OF REMAND

This case was transferred from the Middle District of Florida, Case No. 13-1575, in February 2014 [Doc. No. 4] and involves an M2a-Taper hip implant – a predecessor product of the M2aMagnum and M2a38 hip implants that are the subject of this MDL. The Panel authorized the transfer of the first Taper cases in April 2013 [Doc. No. 331], concluding that they shared sufficient questions of fact to merit inclusion in the MDL proceedings. Of the more than 2,800 cases that were filed in this MDL, only a handful involved devices other than the M2a Magnum and M2a38. Pretrial proceedings focused primarily on the M2a Magnum and M2a-38 hip implants, with limited applicability to the other devices. When it became apparent that the parties in this case would receive no further benefit

from coordinated proceedings, I granted the plaintiffs' motion for a suggestion of remand. [Doc. No. 3595]. I regret that despite everyone's best effort, no progress was made on this case in light of the differences from the other cases in the docket.

Pursuant to 28 U.S.C. § 1407(a) and Panel Rule 10.1(b), I respectfully suggest that the Judicial Panel on Multidistrict Litigation remand this case to the Middle District of Florida, for further pretrial proceedings, including device specific expert discovery and case-specific fact discovery, and trial.

ENTERED: September 6, 2018

/s/ Robert L. Miller, Jr.
Judge, United States District Court
Northern District of Indiana