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U.S. District Court  
Judge Miller's Chambers  
SOUTH BEND, INDIANA

VIA UPS OVERNIGHT

May 4, 2015

The Honorable Robert L. Miller Jr.  
325 Robert A. Grant Courthouse  
204 South Main Street  
South Bend, IN 46601

**Re: Alan Creech, et. al. v. Biomet Orthopedics LLC et al.**  
**Civil Action No. 3:14-cv-00506-RLM-CAN**  
**and**  
**Biomet M2a Magnum Product Liability Litigation (MDL 2391)**  
**Civil Action No. 3:12-md-2391-RLM-CAN**

Dear Judge Miller:

We represent one Group 2 Plaintiff in the Biomet MDL who sought enhancement under the terms of the Master Settlement Agreement via mediation.

I write to advise the Court that we have experienced some of the same problems which have been addressed by Mr. Borri's letter to your Honor dated April 24, 2015, and Mr. Lowe's letter to your Honor dated April 20, 2015.

Similar to Mr. Borri's experience, our client was originally categorized as a Group 2 claimant and sought to mediate an enhancement of his award category under the terms of the Master Settlement Agreement ("MSA"). We completed all filing requirements under the filing deadlines and subsequently sought enhancement of that base award. Significantly in our case, at no time were we ever notified by Biomet directly or through the Plaintiff Steering Committee's ("PSC") internet Portal that Biomet had contested our client's categorization or his claim for enhancement. To date, the Portal still reflects that Biomet does not contest our client's categorization. Moreover, we never received Biomet's written "evaluation" of our client's claim within the time proscribed in the MSA.

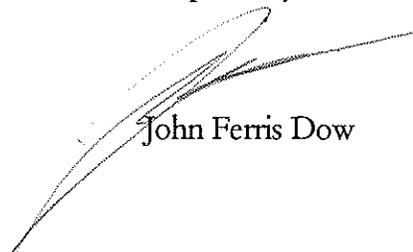
As the deadline for conducting mediations approached and we failed to hear from Biomet's counsel, we proactively contacted the PSC and Biomet's counsel and inquired about scheduling a mediation regarding our client's claim for enhancement. It wasn't until late January, 2015, well past the deadline set forth in the MSA for such notification, that we first learned that Biomet not only was challenging our client's claim for enhancement; but also was challenging the original categorization and base sum of \$162,500 that our client had been expecting to receive under the Section 2(b) of the MSA. Similar to Mr. Borri and Mr. Lowe, our client was offered only a small fraction of the \$162,500 he had originally been categorized to receive under the MSA.

Prior to the scheduled mediation on February 11, 2015, we had informal settlement discussions over the telephone with Biomet counsel who indicated to me that Biomet was not going to change its view about the value of Mr. Creech's case despite any attempts to mediate with Mr. Rutter. As a result, we decided not to go forward with the mediation, as it was my determination and understanding that mediation with Biomet would not be productive.

Subsequently, we also spoke with the Plaintiff Steering Committee and were led to understand that we, like other individuals seeking enhancement, had been offered substantially less than the amounts they were initially categorized to receive under the MSA.

In light of these events, the recent letters of Mr. Borri and Mr. Lowe, we are hereby advising the Court that we wish to join in the requests set forth in Mr. Borri's letter of April 24, 2015.

Respectfully submitted,



John Ferris Dow

cc: Thomas Anapol (via email)  
John Winter (via email)  
Jeffrey J. Lowe (via email)  
Gregg J. Borri (via email)