

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

	)	CAUSE NO. 3:12-MD-02391-RLM-CAN
In re: BIOMET M2A MANGUM	)	
HIP IMPLANT PRODUCTS LIABILITY	)	
LITIGATION (MDL-2391)	)	THIS DOCUMENT RELATES TO:
	)	ALL CASES

**JOINT MOTION TO TERMINATE  
PLAINTIFFS STEERING COMMITTEE**

In accordance with the Court’s Case Management Order (Doc. 2873; filed 4/28/15), the Plaintiffs’ Steering Committee (“PSC”) hereby respectfully moves this Court to disband the current leadership structure. The vast majority of PSC members will soon have no remaining cases in this MDL docket and therefore no longer have a vested interest.

On December 5, 2012, this Court entered an Order Concerning Plaintiffs’ Counsel Organizational Structure appointing the PSC. Order Concerning Plaintiffs’ Counsel Organizational Structure, doc. 127, filed 12/5/12. In its Order, the Court appointed twenty-two (22) lawyers to the Steering Committee<sup>1</sup>. Two (2) lawyers were appointed as co-lead counsel<sup>2</sup>,

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<sup>1</sup> These lawyers are Thomas R. Anapol of Anapol Schwartz, Larry P. Boyd of Fisher, Boyd, Brown & Huguenard, Anne Andrews of Andrews & Thorton, Richard J. Arsenault of Neblett, Beard & Arsenault, Daniel C. Burke of Parker Waichman, John Climaco of Climaco, Wilcox, Peca, Tarantino & Garofoli, Peter Flowers of Foote, Meyers, Mielke & Flowers, Stacy K. Hauer of Johnson Becker, Shelly Hutson of Clark Love & Hutson, Lawrence L. Jones of Jones Ward, W. Mark Lanier of The Lanier Law Firm, Michelle Kranz of Zoll, Kranz & Borgess, Derriel C. McCorvey of Law Office of Derriel C. McCorvey, Dougless A. Kreis of Aylstock, Witkin, Kreis & Overholtz, Michael L. McGlamry of Pope, McGlamry, Kilpatrick, Morrison & Norwood, Peter A. Miller of The Miller Law Firm, Joseph A. Osborne of Babbitt, Johnson, Osborne & LeClainche, Ellen Relkin of Weitz & Luxenberg, Daniel S. Robinson of Robinson, Calcagnie, Robinson, Shapiro, Davis, Inc., Joseph A. Saunders of Saunders & Walker, Navan Ward, Jr. of Beasley Allen Law Firm, and Genevieve M. Zimmerman of Zimmerman Reed

<sup>2</sup> These lawyers are Thomas R. Anapol and W. Mark Lanier

six (6) were appointed as members of the Executive Committee<sup>3</sup>, and two (2) were appointed as liaison counsel<sup>4</sup>.

On December 30, 2013 an Amended Order Regarding Plaintiffs' Organizational Structure was entered. Amended Order Regarding Plaintiffs' Organizational Structure, doc. 1154, filed 12/30/13. As no objections were filed to the applications for appointment/reappointment to the structure, the amended PSC appointments became effective January 1, 2014. Three (3) PSC members from the previous appointment were terminated<sup>5</sup> and three (3) were newly appointed<sup>6</sup>.

Finally, on December 22, 2014 an Order Reappointing Plaintiffs' Organizational Structure was entered. Order Reappointing Plaintiffs' Organizational Structure, doc. 2806, filed 12/22/14. As no objections were filed to the applications for reappointment to the structure, all PSC members were reappointed. The Current PSC consists of the following:

Thomas R. Anapol of Anapol Schwartz  
W. Mark Lanier of The Lanier Law Firm  
Anne Andrews of Andrews & Thornton  
Richard J. Arsenault of Neblett, Beard & Arsenault  
Daniel C. Burke of Parker & Waichman  
Wayne Fisher of Fisher, Boyd, Brown & Huguenard<sup>7</sup>  
Peter Flowers of Foote, Meyers, Mielke & Flowers  
Brenda S. Fulmer of Searcy, Denney, Scarola, Barnhart & Shipley  
Shelly Hutson of Clark Love & Hutson  
Lawrence L. Jones of Jones Ward  
Michelle L. Kranz of Zoll, Kranz & Borgess  
Douglass A. Kreis of Aylstock, Witkin, Kreis & Overholtz  
Hadley L. Matarazzo of Faraci Lange, LLP

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<sup>3</sup> These lawyers are Ann Andrews, Richard J. Arsenault, Peter Flowers, Douglass A. Kreis, Shelly Huston, and Daniel S. Robinson

<sup>4</sup> These lawyers are Robert T. Dassow and Frederick R. Hovde

<sup>5</sup> These lawyers are John Climaco of Climaco, Wilcox, Peca, Tarantino & Garofoli, Stacy K. Hauer of Johnson Becker, and Derriel C. McCorvey of Law Office of Derriel C. McCorvey

<sup>6</sup> These lawyers are Brenda S. Fulmer of Searcy, Denney, Scarola, Barnhart & Shipley, Hadley L. Matarazzo of Faraci Lange, LLP, and Scott A. Powell of Hare, Wynn, Newell & Newton

<sup>7</sup> Replaced Larry Boyd

Michael L. McGlamry of Pope, McGlamry, Kilpatrick, Morrison & Norwood  
Joseph A. Osborne of Babbitt, Johnson, Osborne & LeClainche  
Scott A. Powell of Hare, Wynn, Newell & Newton  
Ellen Relkin of Weitz & Luxenberg  
Daniel S. Robinson of Robinson, Calcagnie, Robinson, Shapiro, Davis, Inc.  
Joseph H. Saunders of Saunders & Walker  
Tayjes Shah of The Miller Law Firm<sup>8</sup>  
Navan Ward, Jr. of Beasley Allen Law Firm  
Genevieve M. Zimmerman of Meshbesh & Spence<sup>9</sup>

On February 3, 2014, a Master Settlement Agreement (MSA) was approved by this Court. It is expected that the MSA will result in the settlement of roughly 1,725 cases. Of the 1,725 cases expected to settle, 1,675 are already settled and 921 have already been fully funded. All PSC members, with the exception of four (4), have settled or are in the process of finalizing settlement of all of their cases under the terms of the MSA and in a few limited cases are seeking to be relieved as counsel of record or will be substituted by other counsel. The four (4) exceptions are:

Brenda S. Fulmer of Searcy, Denney, Scarola, Barnhart & Shipley;  
Lawrence L. Jones of Jones Ward;  
Wayne Fisher of Fisher, Boyd, Brown & Huguenard; and (clients are now represented by Justin Presnal);<sup>10</sup> and  
Navan Ward, Jr. of Beasley Allen Law Firm

As such, the PSC respectfully seeks the dissolution of the current PSC in light of the Court's appointment of a new PSC to be responsible for the litigation of the remaining cases pending in the MDL.

Further, as proposed at the preceding Case Management Conference, Thomas R. Anapol and Robert T. Dassow remain willing and prepared to continue to serve on a new PSC in a

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<sup>8</sup> Replaced Pete A. Miller

<sup>9</sup> Formerly of Zimmerman Reed

<sup>10</sup> Although the firm of Fisher, Boyd, Brown & Huguenard does have cases that have opted out of the settlement, Wayne Fisher is seeking to have his personal appointment to the PSC terminated because the attorney responsible for those remaining cases from his firm is Justin Presnal.

limited capacity as interim liaison counsel as long as the Court deems necessary. As interim liaison counsel, they will be responsible for any additional motions relating to this MSA and any cases that have been settled pursuant to this MSA. They will also be responsible for transferring the common benefit work to the new PSC, once appointed, and will continue to assist the new PSC and the Court by providing historical perspective or insight on outstanding issues.

Biomet has reviewed said motion and advised that they have no objection. For the foregoing reasons and pursuant to the Court's Case Management Order (Doc. 2873; filed 4/28/15), the PSC respectfully moves this Court to dissolve the PSC.

Dated: May 14, 2015

Respectfully submitted,

PLAINTIFFS' STEERING COMMITTEE

/s/ Thomas R. Anapol

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*Plaintiffs' Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 14, 2015, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which provided electronic service upon all counsel of record.

*s/ Robert T. Dassow*

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