

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: BIOMET M2a MAGNUM HIP)
IMPLANT PRODUCTS LIABILITY)
LITIGATION (MDL 2391)) CAUSE NO. 3:12-MD-2391
)
)
)

This Document Relates to All Cases)

MEMORANDUM OF MARCH 18, 2013 CASE MANAGEMENT CONFERENCE

Thomas Anapol, Robert Dassow, Anne Andrews, Richard Arsenault, Paul Cordella, Jennifer Hockstra, and John Thornton appeared in person for the plaintiffs at the case management conference on March 18, 2013. John Winter, Erin Linder Hanig, John LaDue, and Blaine Dart appeared in person for the defendants. Topics addressed included: the production of electronically stored information; the tutorial on the scientific and technical issues involved in this case; the status of pending motions to transfer, remand, and dismiss; severance in cases involving multiple unrelated plaintiffs; and the proposed modifications to the Plaintiff Fact Sheet.

Following discussion, the court:

(1) DIRECTED the parties' attention to (a) Section XII of the Case Management Order [Doc. No. 242] regarding severance of cases involving multiple unrelated plaintiffs, and (b) Section III(D) and (G), which provide that any complaint filed directly in the Northern District of Indiana must contain a Venue Statement identifying where venue actually lies, if the

plaintiff anticipates transfer to another federal district court upon completion of all pretrial proceedings;

(2) DIRECTED the parties to file written submissions regarding their respective positions on the procedures or protocols that should be used to facilitate identification, retrieval, and production of electronically stored information by **April 1, 2013**;

(3) ADVISED the parties that the following appear to be duplicate cases involving the same parties, and DIRECTED plaintiffs' lead counsel to investigate and take corrective action, if necessary:

3:12cv702 and 3:12cv867 *Gugino v. Biomet, Inc., et al.*
3:13cv129 and 3:13cv160 *Haywood, et al. v. Biomet, Inc., et al.*

(4) DIRECTED the plaintiffs in 3:13cv73, *Caccia, et al. v. Biomet, Inc., et al.*, to respond to the pending motion to dismiss on or before **April 22, 2013**, with the timing of any reply governed by Local District Rule 7-1;

(5) GAVE the parties to and including **April 22, 2013** to supplement their briefs relating to the pending motions to remand and motions to dismiss in the following cases:

3:12cv614 *Chadwick v. Biomet Orthopedics LLC, et al.*
3:12cv633 *Modrey, et al. v. Biomet, Inc., et al.*
3:12cv645 *Selby, et al. v. Biomet, Inc., et al.*
3:13cv73 *Caccia, et al. v. Biomet, Inc., et al.*
3:13cv77 *Millman, et al. v. Biomet, et al.*
3:13cv78 *Ziegler v. Biomet Orthopedics LLC, et al.*;

(6) GRANTED the defendants' oral motion to withdraw the motions to transfer/change venue in the following cases:

3:12cv586 *Hales, et al. v. Biomet Orthopedics LLC, et al.* [Doc. No. 16]
3:12cv617 *Wade, et al. v. Biomet, Inc., et al.* [Doc. No. 11]
3:12cv619 *Hanson v. Biomet, Inc., et al.* [Doc. No. 20]
3:12cv672 *Chandler, et al. v. Biomet Orthopedics LLC, et al.* [Doc. 15]
3:12cv724 *Anker, et al. v. Biomet, Inc., et al.* [Doc. No. 17];

(7) CONFERRED with counsel regarding proposed modifications to the Plaintiff Fact Sheet, and DIRECTED defendants' liaison counsel, Erin Hanig, to prepare a final draft incorporating the changes agreed upon, provide it to plaintiffs' lead and liaison counsel for their review, and submit the final agreed order to the court for approval and inclusion as Exhibit D in the Case Management Order entered on February 15, 2013 [Doc. No. 242];

(8) DEFERRED ruling on the timing and format of the parties' proposed tutorial on the scientific and technical issues involved in this case; and

(9) SCHEDULED the next case management conference for **Monday, April 22, 2013, at 9:30 a.m. (E.D.T.)**, in South Bend.

ENTERED: March 20, 2013

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

