

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) )  
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This Document Relates to All Cases )  
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MEMORANDUM OF May 18, 2015 STATUS CONFERENCE

Following an update on pending case statistics, the court turned to the issues presented in letters submitted by plaintiffs' attorneys [Doc. Nos. 2874, 2876, 2880, 2881, 2882, 2888 and 2894]. Plaintiffs' attorneys J. Kyle Bachus, Gregg Borri, Ahmed Diab, Brenda Fulmer, Jeffrey Lowe, Justin Presnal, and Navan Ward, made brief statements addressing their concerns about the mediation process, the status of discovery, and various issues facing the plaintiffs' organizational structure as the case moves forward, including but not limited to funding, the time commitment required, and the limited number of applicants. Plaintiffs' Lead Counsel, Thomas Anapol and Mark Lanier, and Biomet's Lead Counsel, John Winter, made brief statements in response.

The court took the matters under advisement, advised that oral arguments would be scheduled on the pending motion to enforce the settlement agreement in *Chadwich v. Biomet*, 3:12cv614, after briefing is completed, and informed the parties that written orders would be issued with respect to the PSC's pending

motion to appoint an escrow agent and fee committee [Doc. No. 2878], the motion to terminate the Plaintiffs Steering Committee [Doc. No. 2890], and attorney Justin Presnal's motion to be appointed to the current and future PSC, in place of Wayne Fisher [Doc. No. 2895].

Mr. Anapol advised the court that a Common Benefit petition will be filed after an escrow agent is appointed.

A new status conference will be set by separate order following disposition of the pending motions.

ENTERED: May 21, 2015

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