

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 JANUARY 7, 2013 CASE MANAGEMENT CONFERENCE

A case management conference was held on January 7, 2013 to address pretrial procedures. Thomas Anapol, Mark Lanier, Robert Dassow, and Richard Meadow appeared in person on behalf of the plaintiffs, and Richard Arsenault, Peter Flowers, and other members of the Plaintiffs' Steering Committee appeared telephonically for their behalf. John Winter, Erin Linder Hanig, and Blaine Dart appeared in person on behalf of the defendants. Topics discussed included: the proposed case management order; proper identification of the defendant; severance of bundled complaints; use of bellwether trials and the impact of *In re Lexecon, Inc. V. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998); communications among the parties and with the court; the use and content of a fact sheet; discovery and production of electronically stored information; the need for and content of a protective order, an order regarding attorney-client and work-product privileges, and an explant preservation order; and case deadlines.

Following discussion, the parties advised the court that they should be able to prepare and submit proposed agreed orders covering discovery and production

of electronically stored information, the protection of confidential and privileged information, and case management deadlines before the next conference. The court indicated that it would give further guidance or propose language to be used with respect to the other matters discussed, including the proposed case management order, the fact sheet to be used, and any preservation order, and scheduled the next case management conference for **Monday, February 4, 2013, at 1:00 p.m. (E.S.T.)**, in South Bend.

ENTERED: January 9, 2013

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