

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)
_____)

ORDER

In reviewing the parties proposed list of cases to be included in Remand Group 1 [Doc. No. 3618], I note that the parties haven't identified which cases were directly filed in this court and which were transferred here from other courts, and didn't include the following four cases that were in Groups 1 and 2 for case-specific discovery purposes and are still pending on the court's docket:

<u>Case No.</u>	<u>Case Name</u>	<u>Court</u>
3:13-CV-283	Fitzpatrick et al v. Biomet, Inc. et al	E.D. NY
3:13-CV-1017	Korn et al v. Biomet, Inc. et al	E.D. NC
3:14-CV-1264	Kelly v. Biomet, Inc. et al	D. MT
3:14-CV-1271	Taylor et al v. Biomet, Inc. et al.	E.D. VA

To eliminate delays associated with the transfer of cases from other federal district courts to this MDL court and to promote judicial efficiency, any plaintiff whose case would have been subject to transfer to MDL No. 2391 by the Judicial Panel on Multidistrict Litigation was allowed to file his or her case directly in the Northern District of Indiana, with the understanding that "upon completion of all [applicable] pretrial proceedings...this court w[ould], pursuant to 28 U.S.C. §

1404(a), transfer the case to a federal district court of proper venue, as defined in 28 U.S.C. 1391[.]” [Doc. No. 242 and 3096, Sec. III, Para. G]. Of the 69 cases still pending and in Discovery Groups 1 and 2, our records show that 48 were filed directly in this court, and 21 were transferred here from other districts. Accordingly, I intend to transfer the cases that were directly filed to the jurisdictions designated in the Joint Proposed Remand Group 1 List [Doc. No. 3618], and to file a suggestion of remand with respect to the following cases, absent any objection from the parties:

<u>Case No.</u>	<u>Case Name</u>	<u>Court</u>
3:12-CV-614	Chadwick v. Biomet, Inc. et al	D. WY ¹
3:12-CV-745	McCoy et al v. Biomet, Inc. et al	D. MD
3:13-CV-126	Goodwin v. Biomet, Inc. et al	D. SC
3:13-CV-130	Laspina v. Biomet, Inc. et al	M.D. FL
3:13-CV-142	Meyer v. Biomet, Inc. et al	S.D. OH
3:13-CV-200	Schebor v. Biomet, Inc. et al	S.D. OH
3:13-CV-202	Mulva v. Biomet, Inc. et al	W.D. TX
3:13-CV-256	Carter v. Biomet, Inc. et al	E.D. VA ²
3:13-CV-283	Fitzpatrick et al v. Biomet, Inc. et al	E.D. NY
3:13-CV-381	Bartis v. Biomet, Inc. et al	E.D. MO
3:13-CV-731	Bayes et al v. Biomet, Inc. et al	E.D. MO
3:14-CV-62	Babbitt v. Biomet, Inc. et al	E.D. TX
3:14-CV-275	Price et al v. Biomet, Inc. et al	M.D. FL
3:14-CV-468	Collins v. Biomet, Inc. et al	W.D. NY
3:14-CV-612	Richards v. Biomet, Inc. et al	N.D. TX ³

¹ The venue the parties propose does not match the venue statement in the complaint and/or the court of origin.

² The venue the parties propose does not match the venue statement in the complaint and/or the court of origin.

³ The venue the parties propose does not match the venue statement in the complaint and/or the court of origin.

3:14-CV-649	Tysenn et al v. Biomet, Inc. et al	S.D. FL
3:14-CV-1264	Kelly v. Biomet, Inc. et al	D. MT
3:14-CV-1464	Lawson v. Biomet, Inc. et al	S.D. OH
3:14-CV-1487	Nunn v. Biomet, Inc. et al	D. NE
3:14-CV-1506	Ryan v. Biomet, Inc. et al	S.D. FL
3:14-CV-1556	Overall et al v. Biomet, Inc. et al	E.D. MO

The parties shall have to and including **August 31, 2018** to file any objections they may have to: (1) adding 3:13-CV-283, 3:13-CV-1017, 3:14-CV-1264, and 3:14-CV-1271 to the list of cases to be included in Remand Group 1, and (2) transferring all direct-filings to the jurisdictions identified in the proposed list and issuing a suggestion of remand in the cases listed above.

SO ORDERED.

ENTERED: August 16, 2018

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