

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 RLM
_____)	
_____)	
This Document Relates to)	
All Cases)	
_____)	

SCHEDULING ORDER

By agreement of the parties, the following scheduling order sets forth the deadlines applicable to the remaining actions in this docket.

I. Winding Up MDL Proceedings

A. Direct Filings/Conditional Transfers

In an effort to wind up these proceedings, the provisions in Section III of the February 15, 2013 and March 14, 2016 Case Management Orders [Doc. Nos. 242 and 3096] allowing direct filing in this Court will be vacated effective **September 1, 2018**, and no direct filings will be allowed after that date. The court will also ask the Judicial Panel on Multidistrict Litigation to cease the issuance of Conditional Transfer Orders to this MDL as of **September 1, 2018**.

B. Proposed Pretrial Order

The parties shall submit a joint proposal and/or simultaneous proposals as to the materials and communications (including the history of the MDL,

discovery conducted, and key rulings) for this court to transmit to the Judicial Panel on Multidistrict Litigation and ultimately to the trial courts at the time of remand of cases from this MDL by **July 2, 2018**. Any objections or responses to these proposals shall be filed by **August 2, 2018**.

C. Expert Video Depositions

Consistent with the court's March 26, 2018 order [Doc. No. 3543], the parties shall complete any video depositions of their generic expert witnesses by **August 31, 2018**. Whether those depositions may be substituted for live testimony upon transfer or remand will be decided by the trial court.

II. Case Specific Discovery

A. Discovery Group 6

The court activates the pool of cases listed on attached **Exhibit A** as Group 6 for case-specific discovery. Completed and updated medical records authorizations for the Group 6 cases shall be provided to Biomet by **June 1, 2018**. The parties may engage in case-specific discovery relating to Group 6 cases until **February 26, 2019**. That discovery may include interrogatories, requests for production, requests for admission, and depositions of (a) the plaintiffs, (b) the implanting surgeon, (c) the revision surgeon, (d) the Biomet representative who processed the request for the product used during the implant surgery, (e) any separate Biomet representatives who were present in the operating room during the implant or revision surgery, and (f) one additional fact witness per side. The depositions will be scheduled in conjunction with a

plaintiff's counsel of record, who should expect to represent the plaintiff at the deposition; the PSC may, but isn't required to, attend these depositions.

B. Discovery Group 7

The court will schedule a status conference in **September 2018** to address activation of Group 7 for purposes of case-specific discovery and the management of all remaining cases.

III. Remand/Transfer

A. Remand Group 1

On or before **July 10, 2018**, the parties shall submit a list of cases to be included in Remand Group 1, which shall be comprised of all cases remaining in Discovery Groups 1 and 2. The list of cases to be remanded under 28 U.S.C. § 1407(a) or (if filed directly into this district while preserving venue elsewhere) transferred under 28 U.S.C. § 1404(a) should include the name of the plaintiff, identity of plaintiff's counsel, and the jurisdiction to which the plaintiff seeks remand or transfer. The parties shall have until **August 10, 2018**, to file any objections to the proposed list of remanded and/or transferred cases and/or the jurisdictions to which remand is being sought.

The court will, by **September 10, 2018**, issue a Suggestion of Remand to the Judicial Panel on Multidistrict Litigation for all cases in Remand Group 1 that the Panel transferred to this court, provided any objections to remand have been resolved.

B. Remand Group 2

On or before **September 28, 2018**, the parties shall submit to the court a list of cases to be included in Remand Group 2, which shall be comprised of all cases remaining in Discovery Groups 3 and 4. The list of cases to be remanded or transferred should include the name of the plaintiff, identity of plaintiff's counsel, and the jurisdiction to which the plaintiff seeks remand or transfer. The parties shall have until **October 29, 2018**, to file any objections to the proposed list of remanded cases and/or jurisdiction to which remand is being sought.

The court will, by **November 28, 2018**, issue a Suggestion of Remand to the Judicial Panel on Multidistrict Litigation for all cases in Remand Group 1 that the Panel transferred to this court, provided any objections to remand have been resolved.

C. Remand Group 3

On or before **December 28, 2018**, the parties shall submit to the court a list of cases to be included in Remand Group 3, which shall be comprised of all cases remaining in Discovery Groups 5 and 6. The proposed list of cases to be remanded or transfer should include the name of the plaintiff, identity of plaintiff's counsel, and the jurisdiction to which the plaintiff seeks remand or transfer. The parties shall have until **January 28, 2019**, to file any objections to the proposed list of remanded cases and/or jurisdictions to which remand is being sought.

The court will, by **February 28, 2019**, issue a Suggestion of Remand to the Judicial Panel on Multidistrict Litigation for all cases in Remand Group 1

that the Panel transferred to this court, provided any objections to remand have been resolved.

D. Remand of Remaining Cases

The parties shall provide a proposal for the remand or transfer of cases that remain pending in this MDL that are not included in Remand Groups 1, 2, or 3 on or before **March 4, 2019**.

SO ORDERED.

ENTERED: April 23, 2018

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

Exhibit A

Case Number	Plaintiff
3:16-cv-0466	Simpson, William Edward
3:16-cv-0729	Bennett, Clayton
3:16-cv-0828	Nieves, Maria
3:16-cv-0850	Kamrath, Janyce
3:17-cv-0096	Homel, Christie
3:17-cv-0146	Calhoun, Donald
3:17-cv-0160	Kays, Sharon
3:17-cv-0183	Cates, Larry
3:17-cv-0189	Blodgett, Douglas
3:17-cv-0199	Bauer, Donna
3:17-cv-0244	Buhler, David
3:17-cv-0246	Fritschle, John
3:17-cv-0257	Watkins, Charles
3:17-cv-0258	Ibarra, David
3:17-cv-0273	Laule, Carl
3:17-cv-0280	Davis, Robert
3:17-cv-0281	Kuhn, Marilyn
3:17-cv-0295	Rhodes, Carlos and Webster, Mary Ann
3:17-cv-0300	McClure, Gregory
3:17-cv-0301	Jager, Uwe
3:17-cv-0303	Ringley, Paulette
3:17-cv-0343	Krieg, Bernard
3:17-cv-0345	Nicholson, Molly

3:17-cv-0354	Johnson, Mary
3:17-cv-0364	Trudgeon, Gary
3:17-cv-0367	Nalder, Tammie
3:17-cv-0370	Ensor, Kay
3:17-cv-0373	Fitzsimmons, Mark
3:17-cv-0382	Gill, James and Lori
3:17-cv-0415	Hardison, Lynwood
3:17-cv-0417	Bryce, Maureen
3:17-cv-0443	Sandahl, Al
3:17-cv-0445	Shattuck, Johanne
3:17-cv-0504	Folmar, Leonard
3:17-cv-510	Draude, Karen
3:17-cv-0512	Brewer, John
3:17-cv-0513	Burnett, Marvin
3:17-cv-0514	Cottrell, William
3:17-cv-0515	Francis, Beverly
3:17-cv-0516	Honeycutt, Valena
3:17-cv-0517	Lyon, Jenny
3:17-cv-0518	Sikut, Michael
3:17-cv-0532	Lyons, William
3:17-cv-0542	Summers, Melissa
3:17-cv-0571	Eanes, Scott
3:17-cv-0572	Whitten, Gregory
3:17-cv-0600	Scott, Shawn
3:17-cv-0610	Gillespie, Deborah
3:17-cv-0630	Bruce, Elizabeth and Patton
3:17-cv-0640	Walton, Beverly & Terry
3:17-cv-0643	DeLuca, Racci
3:17-cv-0674	Moore, Michael

3:17-cv-0706	Poulson, Gloria
3:17-cv-0732	Walker, Sterling
3:17-cv-0743	Hooks, Jarmel
3:17-cv-0747	McDaniel, Kenneth Richard
3:17-cv-0746	McNaughton, Janice
3:17-cv-0768	Patroni, Peter
3:17-cv-0777	Brown, Francis
3:17-cv-0779	Cotton, Pamela
3:17-cv-0788	Martin, Alvin
3:17-cv-0795	Nagurney, Judith
3:17-cv-0808	Thatcher, Jeffery
3:17-cv-0836	Wright, Patricia
3:17-cv-0889	Wertz, Gloria
3:17-cv-0957	McLevis, Ronald