

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
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This Document Relates to All Cases)

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MEMORANDUM OF APRIL 22, 2013 CASE MANAGEMENT CONFERENCE

The plaintiffs were represented at the April 22, 2013 case management conference by Thomas Anapol, Robert Dassow, Mark Lanier, and Richard Arsenault, and defendants were represented by John Winter, Erin Linder Hanig, and John LaDue. Topics addressed included: the court's order of April 18, 2013 regarding discovery of electronically stored information [Doc. No. 396]; FED. R. CIV. P. 30(b)(6) depositions; the status of pending motions to dismiss and remand; the proposed tutorial on scientific and technical issues; the defendants' proposed stipulation regarding cases severed under the court's April 22, 2013 order [Doc. No. 400]; and modification of the MDL *pro hac vice* requirements.

Following discussion, the court:

(1) Took the parties' positions regarding the location of Rule 30(b)(6) depositions under advisement, and indicated that a written order would follow;

(2) GRANTED the defendants' request to deem the answers filed in the following cases applicable to any new case filed in accordance with the

April 22, 2013 severance order [Doc. No. 400] and Section XII of the February 15, 2013 case management order [Doc. No. 242], subject to any motions to reconsider:

3:12cv448 *Ardoin et al. v. Biomet Orthopedics, LLC et al.*;
3:12cv643 *Stein et al. v. Biomet, Inc. et al.*;
3:12cv647 *Edelen et al. v. Biomet, Inc. et al.*; and
3:12cv719 *Artalejo v. Biomet Orthopedics, LLC et al.*;

(3) MODIFIED the MDL *pro hac vice* procedures to allow an attorney who is not a member of the court's bar to represent parties in an MDL case without applying for and receiving leave of court, if he or she has previously been admitted *pro hac vice* in another member case;

(4) SCHEDULED the next case management conference for **Monday, June 17, 2013, at 9:30 a.m. (E.D.T.)**; and

(5) SET a hearing on the pending motions to dismiss in *Chadwick v. Biomet Orthopedics LLC*, Cause No. 3:12cv614, and *Caccia v. Biomet Inc.*, Cause No. 3:13cv73, and a tutorial on the scientific and technical issues for **Monday, June 17, 2013**, immediately following the case management conference. During the tutorial, each side shall have two hours to present any scientific and technical information it deems necessary and appropriate, in light of the objectives discussed at the conference.

ENTERED: April 25, 2013

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

