

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

MEMORANDUM AND ORDER
FOR APRIL 24, 2017 PRO SE HEARING AND STATUS CONFERENCE

Brenda Fulmer appeared for the plaintiffs; John Winter, John LaDue, and Erin Linder Hanig appeared for the defendants; Roland Jarquio was present to tell the court about his parents, *pro se* plaintiffs Nabileh and Ramon Jarquio. Topics addressed included the *pro se* and Metal-on-Polyethylene (MoP) cases, active case count, status of discovery in Groups 3 and 4, and pending motions.

Following discussion, the court:

(1) GRANTED plaintiffs Nabileh Jarquio and Ramon Jarquio, Cause No. 3:13-cv-933, to and including **June 5, 2017** either to retain counsel or to submit a completed Declaration of Causation, as described in the December 14, 2016 “Order Regarding Pro Se Cases” [Doc. No. 171];

(2) GRANTED plaintiff Sean Pendlebury, Cause No. 3:13-cv-264, to and including **May 15, 2017** to have his surgeon or another expert supplement his Declaration of Causation [Doc. No. 211] with complete answers to the questions asked;

(3) GRANTED the defendants leave to file a summary judgment motion in *Eastman v. Biomet, Inc. et al.*, Cause No. 3:15-cv-585;

(4) GRANTED Biomet's request to lift the stay in *Babcock et al. v. Biomet, Inc. et al.*, Cause No. 3:14-cv-200, and to add the case to Group 4 for case-specific discovery;

(5) GRANTED the parties' request to move *Glynn v. Biomet, Inc. et al.*, Cause No. 3:15-cv-491, and *White v. Biomet, Inc. et al.*, Cause No. 3:16-cv-115, into the next group of cases for case-specific discovery;

(6) GRANTED the plaintiffs in *Hodge et al. v. Biomet, Inc. et al.*, Cause No. 3:16-cv-493, to and including **May 1, 2017** to file a motion seeking relief for not meeting the deadlines in the December 15, 2016 "Order Regarding Metal-on-Polyethylene Cases" [Doc. No. 3272];

(7) GRANTED the parties in *Just v. Biomet, Inc. et al.*, Cause No. 3:15-cv-425, time to finalize settlement and to file a stipulation of dismissal;

(8) DISMISSES WITHOUT PREJUDICE the following cases, pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the court's order requiring *pro se* plaintiffs to submit a signed Declaration of Causation by April 17, 2017 or to attend the April 24 hearing:

3:13-cv-1092 *Fiacco et al. v. Biomet, Inc. et al.* [Doc. No. 168]
3:13-cv-87 *Grenier v. Biomet, Inc. et al.* [Doc. No. 192]

(9) SET the next status conference for **July 13, 2017 at 9:30 a.m.**

(E.D.T).

SO ORDERED.

ENTERED: April 28, 2017

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