

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)

MEMORANDUM OF FEBRUARY 4, 2013 CASE MANAGEMENT CONFERENCE

A case management conference was held on February 4, 2013 to address pretrial procedures. Mark Lanier, Anne Andrews, Richard Arsenault, Peter Flowers, Douglass Kreis, Shelly Hutson, Daniel Robinson, Alex Brown, Richard Meadow, Justin Presnal, and John Thornton appeared in person for the plaintiffs. Thomas Anapol, Robert Dassow, and numerous other attorneys for the plaintiffs participated in the conference by telephone. John Winter, Erin Linder Hanig, and John LaDue appeared in person for the defendants. Topics addressed included: revisions to the case management, production of electronically stored information, and protective orders; proposed modifications to the Plaintiff Fact Sheet and the preservation order; and case management deadlines relating to discovery and selection of the bellwether cases.

Following discussion, the court:

(1) Took the proposed revisions to the orders regarding case management, discovery of electronically stored information, and protection of confidential

information under advisement;

(2) Directed that any proposed modifications to the Plaintiff Fact Sheet tendered by the defendants be submitted on or before February 14, 2013;

(3) Informed the parties that it would allow the use of any non-destructive testing protocol, subject to any evidentiary objections under FED. R. EVID. 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and indicated that it would circulate a proposed order regarding the preservation of evidence for consideration at the next scheduled conference;

(4) Directed the parties to confer and submit a proposed order with respect to all discovery related dates; and

(5) Scheduled the next case management conference for **Monday, March 18, 2013, at 1:00 p.m. (E.D.T.)**, in South Bend.

ENTERED: February 8, 2013

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