

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

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In re BIOMET M2A MANGUM HIP	)	CAUSE NO. 3:12-md-02391-RLM-CAN
IMPLANT PRODUCTS LIABILITY	)	(MDL-2391)
LITIGATION	)	
	)	
	)	

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**JOINT NOTICE REGARDING NOVEMBER 15, 2016 PROPOSED ORDER**

On November 15, 2016, the Court issued an Order outlining its proposal for a *Lone Pine* order to manage *pro se* cases in this MDL litigation as well as a proposed letter to state court judges with pending M2a metal-on-metal cases. (Doc. No. 3255). The Court invited the parties to submit any suggested edits to these two proposals by November 23, 2016.

Pursuant to the Court’s directive, the parties met and conferred and do not have any proposed changes to the draft state court letter. Regarding the proposed *Lone Pine* order, Biomet requests that the Court include Biomet’s proposed language to address the five metal-on-poly (“MoP”) cases remaining in this MDL. As detailed in Biomet’s October 28, 2016 submission (Doc. No. 3244), the overwhelming majority of MoP cases have either been dismissed without payment or resolved for nominal amounts. Extending the proposed *Lone Pine* requirements to these MoP plaintiffs will help the parties and the Court identify whether these plaintiffs intend to pursue their claims and how those cases should proceed. Biomet has conferred with the PSC regarding its proposed addition of MoP cases to the *Lone Pine* Order, and the PSC has not indicated any objection.

Accordingly, Biomet respectfully requests that the Court edit its proposed *Lone Pine* order to include the following language:

“This order also applies to plaintiffs who were initially implanted with a metal-on-polyethylene (“MoP”) hip replacement system. Biomet shall give notice to all plaintiffs that Biomet believes initially received a MoP device within seven days of this order. All MoP plaintiffs will then have the Expert Declaration (Exhibit C) completed by an orthopedic surgeon and sent to PSC II counsel within [97 days of this order]. Failure to complete and return the Expert Declaration will result in dismissal of the case with prejudice.”

Respectfully submitted:

Dated: November 21, 2016

/s/ Erin Linder Hanig

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**CERTIFICATE OF SERVICE**

I certify that on November 21, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which provided electronic service upon all counsel of record.

/s/ Erin Linder Hanig

Erin Linder Hanig (29113-71)