

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

_____	)	CAUSE NO. 3:12-MD-2391-RLM-
IN RE: BIOMET M2a MAGNUM HIP	)	CAN (MDL 2391)
IMPLANT PRODUCTS LIABILITY	)	
LITIGATION (MDL 2391)	)	THIS DOCUMENT RELATES TO
_____	)	ALL CASES

**JOINT PROPOSED SCHEDULING ORDER**

The Plaintiffs’ Steering Committee and the Biomet Defendants (hereinafter “Biomet”) respectfully submit their joint proposed order to handle the activation of Groups 8(a) and (b) case-specific discovery and Remand Groups 4 and 5.

**1. Activation of Discovery Group 8**

Having reviewed the parties’ jointly submitted case list, the Court activates the pool of cases listed on Exhibit “A” as Group 8(a) and the pool of cases listed on Exhibit “B” as Group(b) for case specific discovery. Completed and updated medical records authorizations for the Group 8(a) cases shall be provided to Biomet by **May 1, 2019**. Completed and updated medical records authorizations for the Group 8(b) cases shall be provided to Biomet by **July 1, 2019**. The parties may engage in case-specific discovery relating to Group 8(a) cases until **December 12, 2019** and relating to Group 8(b) cases until **February 11, 2020**.

Case specific discovery permitted for Groups 8(a) and (b) 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.

**2. Remand Group 4**

On or before **October 1, 2019**, the parties shall submit to the court a list of cases to be included in Remand Group 4, which shall be comprised of the cases remaining in Discovery Groups 6 and 7, selected based on the filing dates, with the oldest cases remanded first. This proposed list of cases to be remanded should include the name of the plaintiff, identity of plaintiff's counsel, and the jurisdiction to which remand is being sought by the plaintiff. The parties shall have until **October 31, 2019**, to file any objections to the proposed list of remanded cases and/or the jurisdictions to which remand is being sought. On or before **December 2, 2019**, provided any objections to remand have been resolved by the Court, it is the intent of this Court to begin the remand process with the transfer of Remand Group 4 from this MDL to the Judicial Panel on Multidistrict Litigation ("JPML").

**3. Remand Group 5**

On or before **January 2, 2020**, the parties shall submit to the court a list of cases to be included in Remand Group 5, which shall be comprised of the cases remaining in Discovery Groups 7 and 8(a) and (b), selected based on the filing dates, with the oldest cases remanded first. This proposed list of cases to be remanded should include the name of the plaintiff, identity of plaintiff's counsel, and the jurisdiction to which remand is being sought by the plaintiff. The parties shall have until **February 3, 2020**, to file any objections to the proposed list of remanded cases and/or the jurisdictions to which remand is being sought. On or before **March 4, 2020**, provided any objections to remand have been resolved by the Court, it is the intent of this Court to

begin the remand process with the transfer of Remand Group 4 from this MDL to the Judicial Panel on Multidistrict Litigation (“JPML”).

**4. Future Remand Groups**

The parties shall also meet and confer and provide a proposal for the remand of cases that remain pending in this MDL that are not included in Remand 4 on or before **April 3, 2020**.

Dated: March 8, 2019

/s/ Erin Linder Hanig

Plaintiffs' Lead Counsel	Defendants' Lead and Liaison Counsel
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**CERTIFICATE OF SERVICE**

I certify that on March 8, 2019, 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)

No.	Plaintiff	Docket No.	File Date	Plaintiff's Counsel
1	Babcock, Marshall	3:14-cv-0200	2/3/14	Jones Ward
2	Chapman, Jacqueline	3:16-cv-0871	1/3/17	Jones Ward
3	Rice-Torres, Ann	3:17-cv-0386	5/18/17	Douglas & London
4	Hughes, Van	3:17-cv-0455	6/9/17	Justinian PLLC
5	Little, Charles	3:17-cv-0507	6/27/17	Jones Ward
6	McGinnis, Donald	3:17-cv-0509	6/28/17	Jones Ward
7	Wise, Connie	3:17-cv-0603	8/8/2017	Edgerton & Associates
8	Rauber, Nancy	3:17-cv-0826	11/13/17	Searcy Denney (Brenda Fulmer)
9	Brown, Libby Kay	3:18-cv-0278	4/18/18	Heard Law Firm
10	Ferschke, Michael	3:18-cv-0334	5/9/18	Davis & Crump
11	Stegall, Mary	3:18-cv-0393	5/25/18	Foley & Small
12	Jung, Mary	3:18-cv-0410	5/8/18	Burch George & Germany PC

No.	Plaintiff	Docket No.	File Date	Plaintiff's Counsel
13	Cook, Rebecca	3:18-cv-0415	6/1/18	Jones Ward
14	Helms, Kenneth	3:18-cv-0418	6/1/18	Davis & Crump
15	Ankudovich, Donna	3:18-cv-0441	6/11/18	Jones Ward
16	Jaiven, Kathleen	3:18-cv-0483	6/22/18	Bernstein Liebhard
17	Handler, Debra	3:18-cv-0539	7/17/18	Bernstein Liebhard
18	Katz, Bernard	3:18-cv-0559	7/24/18	Saunders & Walker
19	Lambert, Donald	3:18-cv-0563	7/25/18	Davis & Crump
20	Luana Emery Individually and on Behalf of the estate of	3:18-cv-0564	7/25/18	Grant & Eisenhofer PA
21	Crisman, Robert	3:18-cv-0567	7/25/18	Napoli Shkolnik & Associates
22	Logan, Rickey	3:18-cv-0570	7/6/18	The Ahearne Law Firm
23	Clements, Kris	3:18-cv-0578	6/25/18	Thomas Soileau Jackson Baker & Cole LLP
24	Jackson, Donna	3:18-cv-0581	7/31/18	Saunders & Walker

No.	Plaintiff	Docket No.	File Date	Plaintiff's Counsel
25	Lambert, Brian	3:18-cv-0585	8/2/18	Davis & Crump
26	Bubb-Lane, Monica	3:18-cv-0599	8/7/18	Saunders & Walker
27	Matos, Rondallyn	3:18-cv-0600	8/7/18	Saunders & Walker
28	Krenz, Jane	3:18-cv-0603	8/9/18	Meshbesh
29	Ebel, Carolyn	3:18-cv-0612	8/9/18	Napoli Shkolnik & Associates
30	Kenyon, Keith	3:18-cv-0622	8/14/18	Saunders & Walker
31	Stier, Donna	3:18-cv-0629	8/20/18	Hellmuth & Johnson
32	Pierce, Larry	3:18-cv-0635	8/21/18	Saunders & Walker
33	Rodwell, Melissa	3:18-cv-0638	8/21/18	Saunders & Walker
34	Gonzalez, Nancy	3:18-cv-0643	8/22/18	Carey Danis & Lowe
35	Metz, Julia	3:18-cv-0649	8/23/18	Joel Nash
36	Jacobs, Whitney	3:18-cv-0655	8/24/18	Wilshire Law Firm (Babak Saandian)

No.	Plaintiff	Docket No.	File Date	Plaintiff's Counsel
37	Garbe, Phillip	3:18-cv-0668	8/30/18	Meshbeshher
38	Williams, Marcus	3:18-cv-0669	8/30/18	Jakeway Injury Law
39	Brady, Elaine	3:18-cv-0672	8/30/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
40	Kennedy, Barbara	3:18-cv-0673	8/30/18	Jones Ward



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1	Easterling, Kaye	3:18-cv-0675	8/30/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
2	Moselle, Rosemary	3:18-cv-0677	8/30/18	Jones Ward
3	Hayden, Michael	3:18-cv-0678	8/30/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
4	Walch, Deanna	3:18-cv-0679	8/30/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
5	Andrews, Judy	3:18-cv-0680	8/30/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
6	Knych, Andrew	3:18-cv-0681	8/30/18	Napoli Shkolnik & Associates
7	Lucatuorto, John	3:18-cv-0682	8/30/18	Napoli Shkolnik & Associates
8	Connor, Linda	3:18-cv-0683	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
9	Fitzgerald, Evelyn	3:18-cv-0684	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
10	Fowler, Edward	3:18-cv-0685	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
11	Franzese, Beth	3:18-cv-0686	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
12	Greeley, Jarad	3:18-cv-0687	8/31/18	Beasley Allen

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13	Keeley, John	3:18-cv-0691	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
14	Bibb, Phedra	3:18-cv-0693	8/31/18	Bernstein Liebhard
15	Popwell, Sandra	3:18-cv-0695	8/31/18	Bernstein Liebhard
16	Baye, Linda	3:18-cv-0696	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
17	Jones, Denny	3:18-cv-0697	8/31/18	Bernstein Liebhard
18	Anderson, Dorothy	3:18-cv-0698	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
19	Blakey, Debra	3:18-cv-0699	8/31/18	Bernstein Liebhard
20	Rodriguez, Eugene	3:18-cv-0700	8/31/18	Bernstein Liebhard
21	Reardon, Deanna	3:18-cv-0701	8/31/18	Bernstein Liebhard
22	Lovell, Kevin	3:18-cv-0703	8/31/18	Bernstein Liebhard
23	Bettin, Jeffrey	3:18-cv-0704	8/31/18	Bernstein Liebhard
24	Rosen, Christine	3:18-cv-0705	8/31/18	Bernstein Liebhard

No.	Plaintiff	Docket No.	File Date	Plaintiff's Counsel
25	DeVilling, Frank	3:18-cv-0706	8/31/18	Bernstein Liebhard
26	Ryder, Deborah	3:18-cv-0707	8/31/18	Bernstein Liebhard
27	Elliot, Ruth	3:18-cv-0710	8/31/18	Wise Morrissey Kaveny LLC
28	Alexander, Kenneth	3:18-cv-0711	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
29	Gift, Shirley	3:18-cv-0713	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
30	Moore, Anson	3:18-cv-0714	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
31	Stone, Keara	3:18-cv-0715	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
32	Robinson, Patricia	3:18-cv-0716	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
33	Howell, Christine	3:18-cv-0717	8/31/18	Maglio Christopher & Toale PA ( Ilyas Sayeg)
34	Henderson, Rebecca	3:18-cv-0719	8/31/18	Jones Ward
35	Burris, Randall estate	3:18-cv-0720	8/31/18	Jones Ward
36	Pharr, Linsey	3:18-cv-0721	8/31/18	Jones Ward

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37	Quinn, Robert	3:18-cv-0722	8/31/18	Jones Ward
38	Dull, Tyna	3:18-cv-0723	8/31/18	Jones Ward
39	Nash, Wanda	3:18-cv-0724	8/31/18	Jones Ward
40	Olive, Bernard	3:18-cv-0725	8/31/18	Jones Ward
41	Spidle, Sandra	3:18-cv-0726	8/31/18	Jones Ward