

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 JUNE 17, 2013 CASE MANAGEMENT CONFERENCE

The plaintiffs were represented at the June 17, 2013 case management conference by Thomas Anapol, Mark Lanier, Frederick Hovde, Robert Dassow, Anne Andres, Richard Arsenault, Daniel Burke, Margaret Metzinger, Peter Flowers, Shelly Hutson, Lawrence Jones, Douglass Kreis, Peter Miller, Daniel Robinson, Alex Brown, Alex Davis, Lindzy McQueen, Justin Presnal, Ellen Relkin, Laura Singletary, Layne Stackhouse, John Thornton, Jeffrey Vaughan, and Jasper Ward. Defendants were represented by John Winter, John LaDue, Erin Linder Hanig, and Blaine Dart. Topics discussed included: the pending motions to strike affirmative defenses, dismissal of duplicate cases, jurisdictional issues, adoption of a form complaint, and procedures in M2a-Taper cases.

At the conclusion of the conference, the parties presented a tutorial on the scientific and technical issues, with the assistance of Dr. Mark Klaassen, and the court heard oral arguments on the pending motion to dismiss in *Caccia v. Biomet, Inc.*, 3:13cv73. Ellen Relkin argued for the plaintiffs, Leslie and Allison Caccia, and John Winter argued for the defendants.

Based on the foregoing, the court:

(1) TOOK the motion to dismiss [Doc. No. 10] in *Caccia v. Biomet, Inc.*, 3:13cv73, under advisement;

(2) STAYED briefing on all motions to strike affirmative defenses, pending further order of the court;

(3) DIRECTED the parties attention to the following cases, which appear to be duplicative, and requested that corrective action be taken per the court's order of March 20, 2013 [Doc. No. 20]:

3:13cv129 *Haywood et al v. Biomet, Inc., et al.*
3:13cv160 *Haywood et al v. Biomet, Inc., et al.*

(4) ADVISED the parties that jurisdictional issues have arisen as a result of the May 14, 2013 stipulation dismissing improperly named defendants [Doc. No. 444], and DIRECTED the parties to discuss corrective action;

(5) REQUESTED that the parties reconsider the use of a form complaint in light of continuing issues regarding jurisdiction and venue, and DIRECTED that they meet and confer to discuss viable options;

(6) DIRECTED the parties to meet and confer regarding the need for additional or modified procedures to efficiently manage the M2a-Taper cases; and

(7) SCHEDULED a telephonic status conference for **Monday, July 29, 2013 at 9:00 a.m. (E.D.T)**, and set the next case management conference for **Monday, September 23, 2013, at 9:30 a.m. (E.D.T.)**.

ENTERED: June 24, 2013

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