

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 RE: JUNE 6, 2016  
TELEPHONIC STATUS CONFERENCE

Ahmed Diab and Justin Presnal appeared by phone for the plaintiffs; John Winter, John LaDue, and Erin Hanig appeared in person for the defendants. Topics addressed included the status of discovery, modifications to the list of Group 2 cases identified in the court's May 31, 2016 order, and PSC II's proposal regarding appointment of an escrow agent, timekeeping, and reimbursement of fees and costs from the Common Benefit Funds.

Counsel for Biomet reported that depositions in the statute of limitations cases have been completed and summary judgment motions will be filed on or before June 28, 2016; depositions in the spoliation and Group 1 cases are ongoing and should be completed on schedule; and the parties are in the process of scheduling custodial depositions, and will meet and confer regarding PSC II's request to depose 18 additional Biomet employees.

PSC II advised that it will submit a proposed order regarding appointment of an escrow agent and procedures for seeking reimbursement from the new

Common Benefit Funds before the next status conference. Lead Counsel for Biomet stated that settlement funds in cases subject to the November 24, 2015 Amended Holdback Order will be deposited in the existing Common Benefit Funds and transferred to the new accounts when the order is entered.

By agreement of the parties, the May 31, 2016 order identifying the cases in Group 2 [Doc. No. 3150] is amended to delete case number 3:14-CV-1142, *Snider v. Biomet*, and to add 3:14-CV-1556, *Wilson v. Biomet Inc.* A revised list of Group 2 cases is attached.

Following discussion, the court set a hearing on **June 27, 2016 at 1:30** to resolve any discovery-related issues that may arise,<sup>1</sup> and set a telephonic status conference for **Thursday, July 14, 2016, at 1:30 p.m. (E.D.T.)**.

SO ORDERED.

ENTERED: June 10, 2016

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

---

<sup>1</sup> The June 27 hearing is tentative and will be vacated unless the parties notify the court on or before June 23 that it is necessary and identify what the issues will be.

	A	B	C	D	E
1	No.	Case Number	State	Plaintiff	Plaintiff's Counsel
2	1	3:13-cv-0381	Texas	Bartis, John	Onder, Shelton, O'Leary, Peterson (Cathleen DeWitt)
3	2	3:13-cv-0986	Texas	Abram, Scott	Cyrstal Bauer
4	3	3:14-cv-0340	Montana	Rosin, Marek	Gomez Trial Attorneys (Ahmed Diab)
5	4	3:14-cv-0484	Ohio	Willis, Cynetta	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
6	5	3:14-cv-0506	Massachusetts	Creech, Alan & Susan	Dow Law Group
7	6	3:14-cv-0543	South Carolina	Hunt, Tommy	Fisher Boyd Brown & Huguenard LLP (Larry Boyd)
8	7	3:14-cv-0554	Florida	Aronson, Linda	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
9	8	3:14-cv-0555	Arkansas	Grove, Theodore	Fisher Boyd Brown & Huguenard LLP (Larry Boyd)
10	9	3:14-cv-0587	Florida	Clouet, Judith	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
11	10	3:14-cv-0592	Colorado	Mernah, Mary & Patrick	Searcy Denney Scarola Barnhart & Shipley (Brenda Fulmer)
12	11	3:14-cv-0612	Texas	Richards, Melissa	Bachus & Schanker, LLC (J. Kyle Bachus)
13	12	3:14-cv-0614	California	Keith, Kathleen	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
14	13	3:14-cv-0619	Nevada	Hix, Randall	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
15	14	3:14-cv-0633	New Jersey	Ugliarolo, Joseph	Law Offices of Steven A. Varano PC (Joseph Slawinski)
16	15	3:14-cv-0636	California	Bograde-Batten, Sherry	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
17	16	3:14-cv-0637	Ohio	Hull, Janet	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
18	17	3:14-cv-0649	Florida	Tysenn, Gail & Edward	Podhurst Orseck PA (Ramon Alvaro Rasco)
19	18	3:14-cv-0659	Maine	Gordon, Mark	Terry Garmey & Associates LLC (David Kreisler)
20	19	3:14-cv-0684	Florida	Hageman, Joanne	Gomez Trial Attorneys (Ahmed Diab)
21	20	3:14-cv-0738	Colorado	Magnuson, Christine	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
22	21	3:14-cv-0753	Michigan	Spicer, Cheryle	Maglio Christopher & Toale PA ( Altom Maglio & Ilyas Sayeg) and Petrucci & Waara (Jonny Waara)
23	22	3:14-cv-0773	Texas	Finch, Cleon Marvelle	Singleton Law Firm PA (Charles Singleton and Damon Singleton)
24	23	3:14-cv-0776	Ohio	Sparks, Margaret	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
25	24	3:14-cv-0783	Utah	Edwards, Janie	Capretz & Associates (Don Ledgard)
26	25	3:14-cv-0814	California	Jorgensen, Nancy	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
27	26	3:14-cv-0897	South Carolina	Lewis, Camelia	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
28	27	3:14-cv-0905	Arizona	Wikstrom, Elizabeth	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)

	A	B	C	D	E
1	No.	Case Number	State	Plaintiff	Plaintiff's Counsel
29	28	3:14-cv-0959	California	Koops, Debra	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
30	29	3:14-cv-0961	Utah	Kava, Michael	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
31	30	3:14-cv-0962	Maryland	Hamilton, Karen	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
32	31	3:14-cv-0982	Maryland	Garrison, Michael	Pogust Braslow & Millrood LLC
33	32	3:14-cv-1044	Missouri	Klimushyn, Patricia	Carey, Danis & Lowe (Jeffrey J. Lowe) and Andrew Cross
34	33	3:14-cv-1051	Missouri	Varwig, Elizabeth	Carey, Danis & Lowe (Jeffrey J. Lowe) and Andrew Cross
35	34	3:14-cv-1112	Colorado	Gregory, Marjorie	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)
36	35	3:14-cv-1147	Washington	Lissner, Terry	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)
37	36	3:14-cv-1264	Montana	Kelly, Delia	Milodragovich Dale & Steinbrenner PC (Dylan McFarland)
38	37	3:14-cv-1266	Texas	Harris, Youshawnenone	Jones Ward PLC (Lawrence Lee Jones PHV, II)
39	38	3:14-cv-1271	Virginia	Taylor, Patrick & Sharon	Gentry Locke Rakes & Moore LLP (H. David Gibson)
40	39	3:14-cv-1276	Michigan	Dorrier, Joyce & James	Foley & Small LLP (Edmond Foley)
41	40	3:14-cv-1291	Wisconsin	Moldenhauer, Gregory	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)
42	41	3:14-cv-1297	Arkansas	Morrison, Thomas	Pittman, Dutton & Hellums, P.C. (Chris Hellums & Jonathan Mann)
43	42	3:14-cv-1339	Tennessee	Garland, Mark	Morgan & Morgan PA (Laura V. Yaeger)
44	43	3:14-cv-1434	Florida	Taranto, Rita	Maglio Christopher & Toale PA ( Altom Maglio & Ilyas Sayeg)
45	44	3:14-cv-1438	Missouri	Soloducha, Joseph	Gomez Trial Attorneys (Ahmed Diab)
46	45	3:14-cv-1455	Missouri	Burchfield, Jay	Gomez Trial Attorneys (Ahmed Diab)
47	46	3:14-cv-1464	Ohio	Lawson, Ralph	Robbins Kelly Patterson & Tucker (James Michael Kelly)
48	47	3:14-cv-1487	Nebraska	Nunn, Debra E.	Welsh & Welsh PC LLO (Christopher P Welsh)
49	48	3:14-cv-1506	Florida	Ryan, Michael	Searcy Denney Scarola Barnhart & Shipley (Brenda Fulmer)
50	49	3:14-cv-1553	Kansas	Sprinkle, Tina	Gomez lagmin Trial Attorneys (Ahmed Diab)
51	50	3:14-cv-1556	Missouri	Overall, Wilson & JoAnn	Coffey & Nichols (Mary Coffey)