

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))
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This Document Relates to All Cases)

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ORDER

The Plaintiffs’ Steering Committee and Biomet defendants have asked the court to activate 66 cases as Group 3 for purposes of case-specific discovery [Doc. No. 3227]. Pursuant to the December 21, 2015 scheduling order, Groups 1 and 2 were to be comprised of the “oldest [active] cases in this MDL and cases the PSC or Biomet ask[ed] to move into [Group 1 and 2] for good cause, such as a plaintiff’s failing health.” [Doc. No. 3047 at ¶¶ 7 and 9]. There were no specific provisions regarding the composition of Group 3, but I anticipated that the parties would follow the procedures set out for Groups 1 and 2, in making a recommendation regarding the management of the remaining active cases. They might have done that, but it’s not apparent from the list of cases attached to the Notice of Joint Proposed Group 3 Cases [Doc. No. 3227-1]. Court records indicate that there are a number of active non-*pro se* cases that weren’t included on the list and are older than some of the cases on the list.

Accordingly, I invite the Plaintiffs’ Steering Committee and Biomet to provide a brief explanation for its recommendation regarding the cases to be

