

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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MEMORANDUM OF OCTOBER 7, 2015 STATUS CONFERENCE

Topics addressed at the October 7 status conference included: an update on the status of cases currently pending in federal and state court; the Plaintiffs' Steering Committee's (PSC II) motion for interim common benefit attorneys' fees and costs [Doc. No. 2963]; the proposed scheduling orders submitted by PSC II and Biomet [Doc. Nos. 2974 and 2975]; and proposed amendments to the explant preservation order entered in March 2013.

The court, having reviewed the briefs in support of and opposition to the PSC II's motion for an interim common benefit fund and holdback order [Docs. No. 2973 and 2983], proposed modifications that would alleviate concerns about cases that have already settled or are in the process of settling, and asked PSC II to file an amended motion regarding common benefit fees and costs. The pending motion for an interim order [Doc. No. 2963] will be deemed withdrawn when the amended motion is filed, and all parties will be given an opportunity to file any response or objection before a ruling is issued. Plaintiffs' Liaison Counsel is

directed to send a copy of PSC II's amended motion for common benefit fees and costs to the attorneys of record in the pending state court actions.

Following discussion on the court's proposed modifications to the scheduling orders that were submitted [Doc. Nos. 2974 and 2975], the parties were directed to confer and, if possible, submit a proposed agreed order for the court's consideration. To that end, Biomet is to provide the court and PSC II with a list of common legal issues (i.e., statute of limitations, spoliation, preemption) that it believes should be handled as part of the MDL and the number of cases to which each of those issues relates. Upon receipt, PSC II will be given an opportunity to respond and to add additional issues it would like the court to address.

The next status conference was set for **Monday, December 7, 2015, at 1:30 p.m. (E.S.T.)**.

ENTERED: October 8, 2015

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