

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: WRIGHT MEDICAL
TECHNOLOGY, INC.,
CONSERVE HIP IMPLANT
PRODUCTS LIABILITY
LITIGATION**

**MDL DOCKET NO. 2329
ALL CASES**

1:12-MD-2329-WSD

**ORDER APPOINTING PLAINTIFFS'
CO-LEAD AND CO-LIAISON COUNSEL**

This Order appoints Plaintiffs' Co-Lead and Co-Liaison Counsel and sets forth their duties and responsibilities in MDL Docket No. 2329 ("MDL 2329").

1. Appointment of Interim Co-Lead and Co-Liaison Counsel

The Court has considered the Joint Application for Appointment of Plaintiffs' Co-Lead and Co-Liaison Counsel [59]. Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure, the Court appoints as Co-Lead Counsel:

Pope, McGlamry, Kilpatrick, Morrison & Norwood, P.C.
3455 Peachtree Road, NE, Suite 925
P.O. Box 191625
Atlanta, Georgia 30326
Telephone: (404) 523-7706

Kiesel Boucher Larson, LLP
8648 Wilshire Blvd.
Beverly Hills, CA 90211
Telephone: (310) 854-0812

The Court also appoints the law firms of Pope, McGlamry, Kilpatrick, Morrison & Norwood, P.C. (“Pope McGlamry”) and Kiesel Boucher Larson, LLP as Co-Liaison Counsel. The law firm of Pope McGlamry will be the liaison with the Court, and communications with the Court on behalf of Plaintiffs will only be made through this firm.

2. Duties of Co-Lead Counsel

Co-Lead Counsel will be responsible for conducting the prosecution of the litigation on behalf of Plaintiffs, including the duties and responsibilities set forth in the *Manual for Complex Litigation, Fourth*, § 10.221 (2004). Co-Lead Counsel will:

- (a) Direct the prosecution of this litigation and coordinate the work of all Plaintiffs’ counsel in a manner that assures that the litigation is prosecuted effectively, economically and efficiently;
- (b) Be responsible for all briefing and oral argument, and presenting the position of Plaintiffs to the Court and opposing parties with respect to all matters arising during pretrial and trial proceedings;
- (c) Act as, or designate, spokespersons for Plaintiffs at pretrial conferences and hearings;
- (d) Coordinate and conduct discovery, pretrial proceedings and trial;

(e) Conduct settlement negotiations on behalf of Plaintiffs as appropriate; and

(f) Perform such other duties as may be required for proper coordination of pretrial and trial activities or as authorized or required by further order of the Court.

3. Duties of Co-Liaison Counsel

Co-Liaison Counsel are responsible for performing the duties and responsibilities set forth in the *Manual for Complex Litigation, Fourth*, § 10.221 (2004), including facilitating and expediting communications with and among Plaintiffs' counsel and fulfilling such other duties as requested by the Court or Co-Lead Counsel. Pope McGlamry will be Plaintiffs' Liaison Counsel with the Court.

4. Effect of this Order

(a) All notices, orders, pleadings, motions, discovery requests and memoranda required to be served and all communication to Plaintiffs will be directed to Co-Lead Counsel, who will be responsible for forwarding served or communicated information to each individual Plaintiff.

(b) Defendants' counsel may rely upon all agreements and representations made with or by Co-Lead Counsel.

(c) No communication among Plaintiffs' counsel or among Defendants' counsel will be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

(d) Co-Lead Counsel will maintain detailed billing records which will include a description of each legal service performed, the time required to perform such described legal services and the billing rate of the timekeeper performing each such service. Co-Lead Counsel will ensure that all counsel for Plaintiffs keep such billing records.

(e) All work performed by Plaintiffs' counsel shall be coordinated with Co-Lead Counsel to avoid duplicative work. Any work performed by Plaintiffs' counsel that has not been coordinated with Co-Lead Counsel may not be subject to reimbursement if an award of attorneys' fees is made in this action.


(f) Counsel for any of the Plaintiffs who have individual issues or divergent positions from those of other Plaintiffs as presented by Co-Lead Counsel may submit to the Court separate arguments, written or oral, provided that such submissions do not duplicate those presented by Co-Lead Counsel.

(g) Co-Lead and Co-Liaison Counsel must, on or before May 1 of each year, reapply to be reappointed as Co-Lead and Co-Liaison Counsel.

5. Application of this Order

This Order applies to all actions included in MDL No. 2329, subsequently transferred “tag-along” actions, and all actions directly filed in this MDL proceeding. A copy of this Order will be served by Co-Lead Counsel on all counsel for Plaintiffs.

SO ORDERED this 3rd day of May, 2012.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE