BEFORE THE
UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE: STRYKER REJUVENATE AND ABG II HIP IMPLANT PRODUCTS LIABILITY LITIGATION	MDL Docket No. 2441

DEFENDANTS' RESPONSE TO MOTIONS TO TRANSFER
ORAL ARGUMENT REQUESTED

Defendants Howmedica Osteonics Corp (sometimes erroneously sued as "Stryker Orthopaedics"), Stryker Corporation, and Stryker Sales Corporation (collectively "HOC")[1] hereby respond to the two petitions (ECF 1-1 ["Davis"]), and ECF 5-1 ["Wilkinson"]), which seek transfer of specified constituent cases[2], pursuant to 28 U.S.C. §1407(a). HOC does not oppose centralized management of actions alleging personal injury as a result of a surgeon's prescription and utilization of the HOC "Rejuvenate® Total Hip System" ("Rejuvenate®"), since each constituent case alleges injury from the use of that product. Because there are no complaints, filed in any U.S. District Court, that allege injury arising from implantation of the "ABG™ II Modular" ("ABG™ II") product, HOC opposes the "transfer" request as to that product. The requirements of §1407(a) are not satisfied with respect to this separate and distinct medical device.

[1] Both of the products involved in the petitions for centralized supervision are manufactured by Howmedica Osteonics Corp, and not Stryker Corporation or Stryker Sales Corporation, both of which are separate corporate entities which are not involved in the sale, manufacture or marketing of the subject products.

[2] One of the constituent cases identified in the Wilkinson petition at ECF 4-2, *Veronica Exum etc. v. Stryker Corporation, et al.*, D, Mass. Case no.1:13-cv-10247, makes no allegations that the patient was implanted with a Rejuvenate® product. Rather, plaintiff alleges that the involved product was an "Accolade hip prosthetic." *See* ECF 5-4.

HOC agrees with the Davis petition that the District of Minnesota would provide the most reasonable and suitable transferee court for the centralized management of Rejuvenate® cases, but disagrees with the Wilkinson petition's contention that transfer to the Northern District of Illinois would be optimal. Because Senior Judge Richard H. Kyle of the District of Minnesota has already been assigned and is managing ten of the Rejuvenate® cases in that District, pursuant to a District local rule where every judge of the District before whom Rejuvenate® matters were pending agreed to transfer such cases to his docket, and in light of his experience in the management of multidistrict ligation, HOC respectfully suggests that the constituent cases be transferred to the District of Minnesota under his management.

1. Transfer of the Rejuvenate® Cases Furthers §1407(a)'s Criteria For Centralized Supervision.[3]

Section 1407(a) specifies the well-known predicates for transfer: transfer must be for the convenience of the parties and witnesses, and transfer must advance the just and efficient conduct of the actions. *In re: Bear Creek Technologies, Inc., ('722) Patent Litig.*, 858 F. Supp. 2d 1375, 1378 (JPML 2012). The constituent cases generally allege that the plaintiff was prescribed and received a Rejuvenate® hip implant, which ultimately performed unsatisfactorily, causing personal injury.

Centralization will advance the interest of convenience to the parties and witnesses. Were transfer denied, these suits would proceed on independent tracks, requiring duplicative discovery, including multiple sets of written discovery, repeated depositions of corporate personnel, and multiple demands for inspection of documentary evidence followed by redundant responses. Plaintiffs and defendants alike will benefit from the economies of scale that will

[3] Because HOC does not oppose transfer of the Rejuvenate® cases, it will not burden the Panel with advocacy rebutting the characterization of the product's history contained in the petitions. Suffice it to say that HOC will vigorously defend all of the allegations brought against Rejuvenate® and makes no concessions in urging transfer of the cases.

result from transfer and the reasonably-anticipated uniform discovery protocol that will apply to all of the cases. Likewise, witnesses will be deposed only once, since such discovery will apply across the transferred case load.

Transfer will also further the just and efficient conduct of the Rejuvenate® litigation. Conflicting rulings will be avoided (*In re Grisefulvin Antitrust Litig.*, 395 F. Supp. 1402 (J.P.M.L. 1975)); expensive discovery duplication prevented (*In re Amerada Hess Corp. Antitrust Litig.*, 395 F. Supp. 1404 (J.P.M.L. 1975); conflicting and duplicative pretrial conferences avoided (*In re Antibiotic Drugs Antitrust Litig.*, 355 F. Supp. 1400 (J.P.M.L. 1973); and counsels' workload divided among several attorneys (*In re Bristol Bay, Alaska, Salmon Fishery Antitrust Litig.*, 424 F. Supp. 504 (J.P.M.L. 1976). Judicial economy will be advanced by transfer. *In re Pittsburgh & L. E. R .Co. Securities and Antitrust Litig.*, 374 F. Supp. 1404 (J.P.M.L. 1974).

2. Transfer of ABG™ II Actions Would Frustrate The Purpose of Centralized Management.

At the threshold, there are *no* ABG™ II cases among the constituent cases identified in the two petitions. Declaration of Ralph A. Campillo, ¶¶ 2-3. When there are only a few constituent cases, transfer is often denied, particularly in the products liability context. *In re Listerine Androgel Antitrust Litig. (No. II)*, 655 F. Supp. 2d 1351 (J.P.M.L. 2009) (3 actions in 2 districts). Under such circumstances, centralized supervision will oversee little more than a fishing expedition, with no case and controversy to guide and focus either the litigation or discovery. Supervision under §1407(a) is limited to matters where judicial efficiency will be enhanced.

Accordingly, if centralized supervision is ordered for the Rejuvenate® cases, HOC recommends that the title of this case be changed to "Rejuvenate® Total Hip System Products Liability Litigation." This proposed change also deletes the reference to "Stryker" in the present

title, since as explained in footnote 1, *supra*, neither Stryker Corporation nor Stryker Sales Corporation manufactures or sells the Rejuvenate® product.

3. The District of Minnesota Is The Most Appropriate Transferee Forum.

HOC agrees with the Davis petition that the District of Minnesota is the most appropriate and suitable transferee forum for centralized management under §1407(a).

(a) The District of Minnesota Has the Highest Concentration of Rejuvenate® Cases.

The concentration of cases in a particular venue is given great consideration in the selection of the transferee court. *See, e.g., In re: Puerto Rican Cabotage Antitrust Litig.*, 571 F. Supp. 2d 1378 (J.P.M.L. 2008) (transfer to district where 10 of 11 cases pending, all before same judge); *In re Guidant Corp. Implantable Defibrillators Prods. Liab. Litig.*, 398 F. Supp. 2d 1371, 1373 (J.P.M.L. 2005) (citing as a factor in decision to transfer to the District of Minnesota that "at least ten actions are already pending"); *In re C.H. Robinson Worldwide Overtime Pay Litig.*, 502 F. Supp. 2d 1347, 1348 (J.P.M.L. 2007) (citing as factor in decision to transfer to the District of Minnesota that "[t]his is the district in which approximately one-fourth of the actions are now pending"). Of the original constituent cases identified in the two petitions, the District of Minnesota has the greater number of matters pending, thirteen. Three actions were filed in the District of Minnesota on March 18, 2013, bringing the total filings there to thirteen. Ten of these cases have been re-assigned to Judge Richard H. Kyle, as a consequence of a District rule authorizing transfer of related civil actions where the interests of judicial economy would be best served if the actions were handled by a single judge. D. Minn., "Order for Assignment of Cases," 6(b) (Dec. 1, 2008). The three newly-filed cases will also be re-assigned to Judge Kyle.

(b) HOC Agrees with the Davis Petition That the District of Minnesota is the Proper Transferee Forum.

The Davis petition lists roughly six times the number of actions in the Wilkinson petition. While the parties' preference is not determinative, it remains a relevant factor, even if all the parties do not agree. *In re Air Cargo Shipping Services Antitrust Litig.*, 435 F. Supp. 2d 1342 (J.P.M.L. 2006) (support of numerous parties). Significantly, Davis is not the only plaintiff who has urged transfer to Minnesota. Plaintiffs Brennan, Mathiasen, Helder, Towler, Bergman and Heitland also agree that the cases should be transferred to Minnesota (ECF 49). HOC notes that the motions and responses urging transfer to the Northern District of Illinois, the Eastern District of Arkansas and, most recently, the Northern District of California, appear to be based primarily on the location and convenience of certain plaintiffs' counsel, and not the factors traditionally evaluated by the Panel.[4]

(c) The District of Minnesota Efficiently Manages Its Caseload and Does Not Have Many MDL Assignments with Large Numbers of Transferred Cases.

The docket condition of those districts to which transfer has been proposed is considered in the selection of a transferee forum. *In re Teflon Prod. Liab. Litig.*, 416 F. Supp. 2d 1364 (J.P.M.L. 2006). Considering its total number of cases, the latest statistics for the period ending

[4] In one Response, (ECF 12 ["Reaves"]), plaintiffs urge transfer to the Eastern District of Arkansas. That District is not a traditional MDL forum and is managing the *Prempro Products Liability Litig.*, MDL No. 1507, which still has 4,371 pending cases according to Panel statistics. Federal Judicial Caseload Statistics emphasize that the District of Minnesota is a better choice than the Eastern District of Arkansas. Pending cases in the Eastern District of Arkansas have risen dramatically over the past five years, increasing from 5,359 pending cases for the period ending September 30, 2007 to a peak of 9,522 pending cases for the period ending September 30, 2011. From the period ending September 30, 2007 to the period ending September 30, 2012, civil cases over three years old in the Eastern District of Arkansas have increased from 8% to 57.8%. Over that same time period, the months from the filing of a civil action to disposition have increased from 12.7 to 45.3. And along with the congested docket condition, Little Rock, Arkansas' convenience cannot match that of Minneapolis/St. Paul's. The ease of travel for counsel, considering suits have been filed from Florida to Alaska, weighs heavily in favor of the District of Minnesota. This argument is supported by the high number of MDLs assigned to the District of Minnesota in comparison to the relatively few sent to the Eastern District of Arkansas.

March 31, 2011 show that the District of Minnesota has an average median time interval to disposition of 4.4 months, which is almost two months quicker than the Northern District of Illinois (6.3 months).[5] Measured by the more narrow standard of median time interval to trial, the District of Minnesota brings matters to trial in 20.4 months, while the Northern District of Illinois requires 24.1 months for matters to come to trial. *Id.*

The District of Minnesota is also the most appropriate forum measured by the number of pending MDL assignments, and the number of cases in those assignments. The District of Minnesota had eight assignments pending as of January 14, 2013, and in the largest of those (measured by number of transferred matters), *Baycol Products Liability Litig.*, MDL 1431, the caseload has shrunk from over 9,000, to a lone pending suit, according to the Panel's website. In contrast, the Northern District of Illinois has 19 pending MDL assignments, many of which are quite active, such as the *Zimmer NexGen Knee Implant Products Liability*, MDL 2272, which had nearly all of the 857 transferred actions still pending as of January 14, 2013. These statistics support that the District of Minnesota is better situated to take on a new MDL assignment than the Northern District of Illinois.

When viewed from the perspective average caseload of the judges in the proposed districts, the District of Minnesota again appears to be the forum best able to accommodate an MDL assignment. For example, the percentage of cases pending for over three years in the Northern District of Illinois is 31.2%.[6] For the District of Minnesota the percentage is 6.4%. *Id.* As of September 30, 2012, Minnesota had no months of judicial vacancy, while the Northern

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[5] http://www.uscourts.gov/Statistics/FederalJudicialCaseloadStatistics/FederalJudicialCaseloadStatistics2011.aspx (Table C-5).

[6] http://www.uscourts.gov/Statistics/FederalCourtManagementStatistics/district-courts-september-2012.aspx (Individual district court statistics pages for Northern District of Illinois, and District of Minnesota).

District of Illinois had 39.2 vacancy months. *Id.* The District of Minnesota's caseload, therefore, is supervised by a full complement of judges, who supervise their cases to disposition much more efficiently than the other proposed forum, which does not presently have the full number of allocated judges.

(d) The District of Minnesota Is Geographically Suited for this MDL Assignment.

Where the constituent cases are dispersed across multiple districts in diverse states, the Panel has expressed its preference for selection of a centrally located transferee district. *In re Teflon Prod. Liab. Litig.*, 416 F. Supp. 2d 1364 (J.P.M.L. 2006). The Panel has recognized that the District of Minnesota meets this criterion where matters are pending across the country. *In re Medtronic, Inc., Implantable Defibrillators Prod. Liab. Litig.*, 408 F. Supp. 2d 1351, 1352 (J.P.M.L. 2005) ("Transfer to this district also provides a centrally located forum for actions filed in several locations nationwide."); *In re Mirapex Products Liab. Litig.*, 493 F. Supp. 2d 1376, 1377 (J.P.M.L. 2007) ("Minneapolis is easily accessible.").[7]

(e) The District of Minnesota Has the Resources and Experience to Administer an MDL Assignment.

The Panel has recognized that the District of Minnesota "possesses the necessary resources, facilities, and technology to sure-handedly devote the substantial time and effort to pretrial matters that this complete docket is likely to require." *In re Baycol Prod. Liab. Litig.*, 180 F. Supp. 2d at 1380; *In re Viagra Products Liab. Litig.*, 414 F. Supp. 2d 1357, 1358 (J.P.M.L. 2006) ("By centralizing this litigation in the District of Minnesota . . ., we are assigning this litigation to a jurist . . . sitting in a district with the capacity to handle this litigation."); *In re Guidant Corp. Implantable Defibrillators Prod. Liab. Litig.*, 398 F. Supp. 2d

[7] HOC acknowledges that the Northern District of Illinois is equally accessible, but there are comparatively few suits filed in that District, relative to the District of Minnesota, and the Illinois case statistics are considerably less favorable.

at 1372 (the District of Minnesota is a "geographically central, metropolitan district equipped with the resources that this complex products liability litigation is likely to require.").

According to the United States Judicial Panel on Multidistrict Litigation, Statistical Analysis of Multidistrict Litigation 2012, the following MDLs have cases pending in the District of Minnesota: *In re Baycol PL* (MDL No. 1431) is assigned to Chief Judge Davis and has one case pending; *In re Mirapex PL* (MDL No. 1836) is assigned to Chief Judge Davis and has 28 cases pending; *In re Levaquin PL* (MDL No. 1943) is assigned to Judge Tunheim and has 1,794 cases pending; *In re Zurn Pex Plumbing PL* (MDL 1958) is assigned to Judge Montgomery and has 15 cases pending; *In re Activated Carbon-Based Hunting Clothing Marketing and SP* is assigned to Judge Kyle and has two cases pending; *In re Wholesale Grocery Products AT* (MDL No. 2090) is assigned to Judge Montgomery and has two cases pending; *In re Vehicle Tracking and Security System ('844) PAT* is assigned to Judge Frank and has 15 cases pending; *In re HardiePlank Fiber Cement Siding* (MDL No. 2359) is assigned to Chief Judge Davis and there are nine cases pending.

Among the active judges in the District of Minnesota, it appears that Judges Ericksen, Schiltz, and Nelson do not have existing MDL assignments. Judge Ericksen is an accomplished jurist with prior MDL experience (see, *In re: C.H. Robinson Worldwide Overtime Pay Litig.*, 502 F. Supp. 2d 1347 (J.P.M.L. 2007). Judge Schiltz has written several substantive decisions involving prescription products that have been cited favorably by courts around the country. *See, e.g., Kapps v. Biosense Webster, Inc.*, 813 F. 2d 1128 (D. Minn. 2011); *Riley v. Cordis Corp.*, 625 F. Supp. 2d 769 (2009); *Kinetic Co. v. Medtronic, Inc.*, 2011 U.S. Dist. LEXIS 42398 (April 19, 2011). Judge Nelson has recused herself from Rejuvenate® cases pursuant 28 U.S.C. § 455(a). *See, e.g., Joan Brennan, et al. v. Howmedica Osteonics Corporation,* Case 13-cv-00217-

RHK-FLN, [D.E. 7] (D. Minn. Feb. 20, 2013) (Order of Recusal); *Wayne Berg, et al. v. Howmedica Osteonics Corporation,* Case 13-cv-388-RHK-FLN, [D.E. 7] (D. Minn. Feb. 20, 2013) (Order of Recusal).

(f) Cases in the District of Minnesota Are Assigned to an Experienced Multidistrict Litigation Jurist to Whom the Transferred Cases Should be Assigned.

The judge assigned to Minnesota Rejuvenate® cases, The Honorable Richard H. Kyle, is a logical first choice for the assignment. He has already been assigned the original ten Rejuvenate® cases pursuant to the District's Case Assignment Order; the additional three new filings will be assigned to him; he has extensive experience with complex litigation; and he has presided over MDL litigation in the past but is not "currently burdened with another complex Section 1407 docket." *In re Comp. of Managerial, Prf'l & Technical Employees Antitrust Litig.*, 206 F. Supp. 2d 1374, 1376 (J.P.M.L. 2002).

Judge Kyle is "a seasoned jurist" (*In re Paxil Prods. Liab. Litig.*, 296 F. Supp. 2d 1374, 1375 (J.P.M.L. 2003)) with the "confidence" of the Panel (*In re Activated Carbon-Based Hunting Clothing Prods. Liab. Litig.*, 626 F. Supp. 2d 1358, 1359 (J.P.M.L. 2009) ("We are confident in the transferee judge's ability to manage these MDL proceedings to ensure that they will be conducted in a streamlined manner leading to the just and expeditious resolution of all actions."), and with prior MDL experience and extensive experience overseeing class actions and complex products liability actions.[8] Judge Kyle is the logical first choice to oversee these

[8] *See, also, In re Medtronic, Inc. Sprint Fidelis Leads Prods. Liab. Litig.*, 592 F. Supp. 2d 1147 (D. Minn. 2009) (MDL in which patients alleged leads of implantable cardiac defibrillators were defective), *aff'd Bryant,* 623 F.3d 1200, (8th Cir. 2010); *In re Potash Antitrust Litig.*, 954 F. Supp. 1334 (D. Minn. 1997) (MDL in which buyers of potash alleged that potash producers conspired to fix prices), *aff'd by Blomkest Fertilizer, Inc. v. Potash Corp.*, 203 F.3d 1028 (8th Cir. 2000); *In re Potash Antitrust Litig.*, 159 F.R.D. 682 (D. Minn. 1995) (same; certifying class); *Foster v. St. Jude Med., Inc.*, 229 F.R.D. 599 (D. Minn. 2005) (putative product liability class action against manufacturer of heart bypass device); *Stewart v. CenterPoint Energy Res. Corp.,* No. 05-CV-1502-RHK-AJB, 2006 WL 839509 (D. Minn. Mar. 28, 2006) (class action);

proceedings.

4. Conclusion.

On the basis of the foregoing HOC urges that the constituent cases be ordered for centralized supervision in the District of Minnesota before Judge Richard H. Kyle.

Respectfully submitted this 18th day of March, 2013

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Cooper v. Miller Johnson Steichen Kinnard, Inc., No. 02-1236, 2003 WL 131733 (D. Minn. Jan. 14, 2003) (same); *Sondel v. Nw. Airlines, Inc.*, No. 3-92-381, 1993 WL 559031 (D. Minn. Sept. 30, 1993) (same), *aff'd,* 56 F.3d 934 (8th Cir. 1995).

BEFORE THE
UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE:

STRYKER REJUVENATE AND ABG II HIP IMPLANT PRODUCTS LIABILITY LITIGATION

MDL DOCKET NO. 2441

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on the 18th day of March, 2013, a copy of the following document was electronically filed with the Clerk of the Court by using the CM/ECF system which sent notice of electronic filing to all counsel of record:

DEFENDANTS' RESPONSE TO MOTIONS TO TRANSFER; ORAL ARGUMENT REQUESTED

/s/ Ralph A. Campillo

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BEFORE THE
UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE: STRYKER REJUVENATE AND ABG II HIP IMPLANT PRODUCTS LIABILITY LITIGATION	MDL Docket No. 2441

DECLARATION OF RALPH A. CAMPILLO IN SUPPORT OF RESPONSE TO MOTIONS TO TRANSFER

I, Ralph A. Campillo, declare:

1. I am an attorney at law, duly licensed to practice before all the courts of the State of California, and before each of the United States District Courts in California. I am a partner in the law firm of Sedgwick LLP, and my office is located in Los Angeles, California. I am counsel of record for Defendants Howmedica Osteonics Corp, Stryker Corporation and Stryker Sales Corporation (collectively "HOC") in the instant action. I am over the age of 18 and am competent to testify as to the following facts on the basis of my personal knowledge.

2. I make this declaration in support of HOC's response to the motions to transfer cases involved alleged personal injuries arising from the prescription and implantation of the Rejuvenate® Total Hip System ("Rejuvenate®"). In those motions, the movants seek transfer of cases arising from the use Rejuvenate® as well cases involving the ABG™ II Modular product. These are different products. HOC opposes centralized supervision of any cases concerning ABG™ II Modular product because there are *no* such cases in either the constituent cases identified in the motions or in any of the related cases identified thereafter.

3. At my direction, each of the complaints in those suits listed in MDL Case Report, dated March 18, 2013, for MDL 2441 (the instant matter) was reviewed to identify the

allegations which identify the product allegedly involved in the patient-plaintiff's care. Attached hereto, and incorporated by reference as if fully set forth in this place, as Exhibit "A," is a chart listing each of the cases by state, with a direct quote from each complaint in which the involved product is specified. None of these complaints allege that an ABG™ II Modular product caused any harm to any of the plaintiffs in these listed cases. Accordingly, centralized management of products liability actions that have neither been filed nor proposed for transfer under 28 U.S.C. §1407(a) is improper.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct. Executed on March 18, 2013, at Los Angeles, California.

/s/ Ralph A. Campillo
Ralph A. Campillo

EXHIBIT A

Rejuvenate MDL Complaints - Product Identification Allegations

State	Case Name	Case Number	Court	Reference to Product ID	Allegation re: Product ID
AL	Forbes v. Howmedica Osteonics Corporation	2:12-cv-03781-WMA	USDC, Northern District of Alabama (Southern Division)	Reframed Amended Complaint Page 2, ¶ 8	"Defendant's Defective Device was placed into the stream of interstate commerce and was implanted in Plaintiff Mary A. Forbes on or about November 1, 2010 by Dr. Jeffrey Carl Davis at St. Vincent's Hospital in Birmingham, Alabama."
AL	Phillippi v. Howmedica Osteonics Corporation	1:12-cv-00760-KD-N	USDC, Southern District of Alabama (Mobile)	Complaint Page 2, ¶ 7	"Defendants' Defective Device was placed into the stream of interstate commerce and was implanted in Plaintiff RUBY PHILLIPPI on December 20, 2010 in Baldwin County, Alabama."
AK	Carhart et al. v. Stryker Corporation et al.	3:12-cv-00212-TMB	USDC, District of Alaska (Anchorage)	Complaint Page 9, ¶ 16	"Plaintiff MARY JANE CARHART underwent left hip replacement surgery on September 24, 2010 at Alaska Regional Hospital by Dr. Adrian Ryan, utilizing Stryker Rejuvenate or ABG II modular-neck hip stems and other Stryker/Howmedica Osteonics/American Medical Products Surgical Components identified in the following procedure: Left total hip replacement; rejuvenate #8 modular femoral stem; restoration 50-mm acetabular cup left; restoration X3 28-mm inner diameter, 28/50 outer millimeter diameter acetabular insert; rejuvenate modular neck 130 degrees, 34-mm neck length; Stryker V40 femoral head 0-degrees offset, 28- mm outer diameter. She received the following Stryker/Howmedica Osteonics/American Medical Products Surgical Components in her surgery: Rejuvenate SPT Modular Stem Size # 8,, Restoration ADM Anatomic Dual Mobility Acetabular Cup 50 mm left; HOW/OST #NLS-341600P Rejuvenate Modular Neck, Restoration ADM X3 Insert for Restoration ADM Cup size 28/50, Stryker V40 Femoral Head 28 mm outer diameter."

Rejuvenate MDL Complaints - Product Identification Allegations

State	Case Name	Case Number	Court	Reference to Product ID	Allegation re: Product ID
AR	Davis, Robert S. and Joyce L. v. Howmedica Osteonics Corporation	4:13-cv-0112-KGB	USDC, Eastern District of Arkansas	Complaint Page 3, ¶ 13	"A defectively designed and manufactured Stryker Rejuvenate Neck Stem System left the hands of Defendant in its defective condition, was delivered into the stream of commerce and was implanted in Plaintiff Robert Davis on August 9, 2011 at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. William Hefley."
AR	Hogan, Karen and Terry v. Howmedica Osteonics Corporation	4:13-cv-113-DPM	USDC, Eastern District of Arkansas	Complaint Page 3, ¶ 13	"A defectively designed and manufactured Stryker Rejuvenate Neck Stem System left the hands of Defendant in its defective condition, was delivered into the stream of commerce and was implanted in Plaintiff Karen Hogan on December 20, 2010 at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. William Hefley."
AR	Qualls, Dorothy and Leodus v. Howmedica Osteonics Corporation	4:13-cv-115-JMM	USDC, Eastern District of Arkansas	Complaint Page 3, ¶ 13	"A defectively designed and manufactured Stryker Rejuvenate Neck Stem System left the hands of Defendant in its defective condition, was delivered into the stream of commerce and was implanted in Plaintiff Dorothy Quallf on November 22, 2010 at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. Scott Bowen."
AR	Reaves, David and Judy v. Howmedica Osteonics Corporation	4:13-cv-00128-BRW	USDC, Eastern District of Arkansas	Complaint Page 3, ¶ 14	"A defectively designed and manufactured Stryker Rejuvenate device left the hands of Defendant in its defective condition. Defendant delivered the defective device into the stream of commerce and allowed it to be implanted in Plaintiff, David Reaves, on April 12, 2011, at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. William Hefley."

Rejuvenate MDL Complaints - Product Identification Allegations

State	Case Name	Case Number	Court	Reference to Product ID	Allegation re: Product ID
AR	Saunders, Darryl and Angie v. Howmedica Osteonics Corporation	4:13-cv-114-RSM	USDC, Eastern District of Arkansas	Complaint Page 3, ¶ 13	"A defectively designed and manufactured Stryker Rejuvenate Neck Stem System left the hands of Defendant in its defective condition, was delivered into the stream of commerce and was implanted in Plaintiff Darryl Saunders on November 16, 2010 at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. William Hefley."
AR	Sponer v. Howmedica Osteonics Corporation	4:12-CV-00701 DPM	USDC, Eastern District of Arkansas	Complaint Page 2, ¶ 6	"Defendant's placed the Defective Device into the stream of interstate commerce and it was implanted in Plaintiff Tracy Sponer on September 6, 2011 at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. William Hefley."
AR	Tobias, John v. Howmedica Osteonics Corporation	4:13-cv-00129-JMM	USDC, Eastern District of Arkansas	Complaint Page 3, ¶ 14	"A defectively designed and manufactured Stryker Rejuvenate device left the hands of Defendant in its defective condition. Defendant delivered the defective device into the stream of commerce and allowed it to be implanted in Plaintiff, John Tobias, on December 1, 2011, at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. William Hefley."
AR	Torbett, Richard Lynn and Cindy v. Howmedica Osteonics Corporation	4:13-cv-000127	USDC, Eastern District of Arkansas	Complaint Page 3, ¶ 14	"A defectively designed and manufactured Stryker Rejuvenate device left the hands of Defendant in its defective condition. Defendant delivered the defective device into the stream of commerce and allowed it to be implanted in Plaintiff, Richard Lynn Torbett, on March 27, 2012, at Arkansas Surgical Hospital, 5201 Northshore Drive, North Little Rock, Arkansas 72118 by Dr. William Hefley."

Rejuvenate MDL Complaints - Product Identification Allegations

State	Case Name	Case Number	Court	Reference to Product ID	Allegation re: Product ID
CA	Fletcher v. Howmedica Osteonics Corp. et al.	3:13-cv-00270-RS	USDC, Northern District of California (San Francisco)	First Amended Complaint Page 3, ¶ 7	"Defendants' Defective Devices, which included Rejuvenate modular stems and necks, were placed into the stream of interstate commerce and were implanted in Plaintiff on or about August 9, 2011 [right hip] and on or about January 5, 2012 [left hip]."
CA	Johnson v. Howmedica Osteonics Corp. et al.	3:13-cv-00268-RS	USDC, Northern District of California (San Francisco)	First Amended Complaint Page 3, ¶ 7	"Defendants' Defective Devices, which included Rejuvenate modular stems and necks, were placed into the stream of interstate commerce and were implanted in Plaintiff on or about March 22, 2011 [right hip] and on or about June 24, 2011 [left hip]."
CA	Leachman v. Howmedica Osteonics Corp. et al.	3:13-cv-00263-RS	USDC, Northern District of California (San Francisco)	First Amended Complaint Page 3, ¶ 7	" Defendants' Defective Devices, which included Rejuvenate modular stems and necks, were placed into the stream of interstate commerce and were implanted in Plaintiff on or about June 23, 2010."
CA	Lomack v. Howmedica Osteonics Corp. et al.	3:13-cv-00267-RS	USDC, Northern District of California (San Francisco)	First Amended Complaint Page 3, ¶ 7	" Defendants' Defective Devices, which included Rejuvenate modular stems and necks, were placed into the stream of interstate commerce and were implanted in Plaintiff on or about October 31, 2011."
CA	Viens v. Howmedica Osteonics Corp. et al.	3:13-cv-00262-RS	USDC, Northern District of California (San Francisco)	First Amended Complaint Page 3, ¶ 7	"Defendants' Defective Devices, which included Rejuvenate modular stems and necks, were placed into the stream of interstate commerce and were implanted in Plaintiff on or about October 27, 2010."

Rejuvenate MDL Complaints - Product Identification Allegations

State	Case Name	Case Number	Court	Reference to Product ID	Allegation re: Product ID
FL	Buley v. Howmedica Osteonics Corp.	8:12-cv-002540-EAK-EAJ	USDC, Middle District of Florida (Tampa)	First Amended Complaint Page 3, ¶ 10	"On or about July 07,2010, PAUL BULEY underwent a right total hip arthroplasty by Stephen J. Raterrnan, M.D. at University Community Hospital secondary to right hip degenerative joint disease. During that procedure, PAUL BULEY was implanted with a Rejuvenate Modular Neck, Ref #: NLS-300000B, Lot #: 32143002; Rejuvenate SPT Modular Stem, Size 7, Ref#: SPT-070000S, Lot #: MHPTOL (hereinafter the "Alleged Defective Productsn); Restoration ADM X31nsert for Restoration ADM Cup; Howmedica LFIT V40 Femoral Head; and Restoration ADM Anatomic Dual Mobility Acetabular Cup."
FL	Eisen v. Howmedica Osteonics Corporation	9:13-cv-80169-DMM	USDC, Southern District of Florida (West Palm Beach)	Complaint Page 3, ¶ 7 - 8	"Defendant's Defective Device was placed into the stream of interstate commerce and was implanted in Plaintiff JOEL EISEN herein on 10/31/11." "Defendant's Defective Device was placed into the stream of interstate commerce and was implanted in Plaintiff MARLENE EISEN herein on 6/6/11."
FL	Owen v. Howmedica Osteonics Corporation	0:13-cv-60183-WPD	USDC, Southern District of Florida (Ft. Lauderdale)	Complaint Page 2, ¶ 7	"On July 6, 2011, Plaintiff was implanted with a Rejuvenate System manufactured and marketed by Defendant Stryker."
FL	Piccinonna v. Howmedica Osteonics Corporation	0:12-cv-61945-MGC	USDC, Southern District of Florida (Ft. Lauderdale)	Complaint Page 3, ¶ 15 Page 4, ¶ 19	"Defendants' Defective Device was placed into the stream of interstate commerce and was implanted in Plaintiff Connie Piccinonna on September 26, 2011... " "Defendants' Defective Device was placed into the stream of commerce and was implanted in Plaintiff Connie Piccinonna on January 4, 2012."

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IL	Crew v. Howmedica Osteonics Corporation	1:13-cv-01133	USDC, Northern District of Illinois (Chicago)	Complaint Page 2, ¶ 9	"The Stryker hip components implanted in Randall on November 23, 2009 were: a. #8 Rejuvinate HA coated stem b. 28 mm ceramic head with a +0 neck c. 38. mm neck with a 132 degree angle d. 54 mm ADM HA coated acetabular component"
IL	Wilkinson v. Howmedica Osteonics Corporation	1:13-cv-01307	USDC, Northern District of Illinois (Chicago)	Complaint Page 3, ¶ 7	"Defendant's Defective Device was placed into the stream of interstate commerce and was implanted in Plaintiff CHRISTINE WILKINSON herein on October 14, 2011. "
LA	Espat v. Stryker Corporation et al.	2:13-cv-00188-LMA-JCW	USDC, Eastern District Louisiana (New Orleans)	Complaint Page 2, ¶ 8	"Defendant's placed the Defective Device into the stream of interstate commerce. On December 17, 2010, Plaintiff Pamelia Espat underwent hip replacement surgery at Slidell MeMorial Hospital, 1001 Gause Blvd., Slidell, Louisiana. The surgeon, Dr. Brian Fong, M.D., impl!anted the following components: (1) Trident PSL HA Cluster Acetabular Shell 50mm E, Ref# 542-.11-50E; Lot # MINR5K; (2) Rejuvenate SPT Modular Stem Size 10, Ref # SPT-100000S, Lot #3Y4MRD; (3) TRIDENT X3 10° Polyethylene Insert, 36mm E, Ref # 623-10-36E, Lot # MINM8Y; (4) Acetabular Dome Hole Plug, Ref # 2060-0000-1, Lot # MJM2A0; (5) Rejuvenate ModUlarNeck 127°/132° Neck Angle, 34mrn, V40, Ref # NLS-340000B, Lot # 31987301; and (6) Biolox Delta Ceramic V40 Femora1Head, 36mm, .5mm, Ref #6570-0-036, Lot 35172102."

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LA	Hebert v. Stryker Orthopaedics	6:13-cv-00300-RTH-CMH	USDC, Western District of Louisiana (Lafayette)	Complaint Page 1, ¶ 3	"On January, 2009, Plaintiff, MICHAEL R. HEBERT, underwent hip replacement surgery at Our Lady of Lourdes Hospital, during which he received a STRYKER metal on metal hip replacement device (hereinafter referred to sometimes as "device") manufactured by STRYKER."
LA	Hunter v. Stryker Corporation et al.	2:12-cv-02965-PM-KK	USDC, Western District of Louisiana (Lake Charles)	Complaint Page 1, ¶ 3	"On January 18, 2011, the Plaintiff, David H. Hunter, underwent right total hip replacement at Christus SI. Patrick Hospital in Lake Charles, Louisiana. Dr. John Noble implanted a Rejuvenate Hip System (RHS) into the plaintiff."
LA	Pontiff v. Stryker Orthopaedics	6:13-cv-00299-RTH-CMH	USDC, Western District of Louisiana (Lafayette)	Complaint Page 1, ¶ 3	"In February 2009, Plaintiff LEE ANN PONTIFF, underwent hip replacement surgery at Dauterive Hospital, during which she received a STRYKER metal on metal hip replacement device (hereinafter referred to sometimes as "device") manufactured by STRYKER."
MN	Berg v. Howmedica Osteonics Corp.	0:13-cv-00388-RHK-FLN	USDC, District of Minnesota (DMN)	Complaint Page 4, ¶ 11	"On November 7, 2011, Mr. Berg underwent right total hip arthroplasty using the Rejuvenate® system."
MN	Bergman v. Howmedica Osteonics Corp.	0:13-cv-00216-DWF-LIB	USDC, District of Minnesota (DMN)	Complaint Page 3, ¶ 11	"On March 30, 2011, Plaintiff Scott Bergman underwent left total hip arthroplasty using the Rejuvenate® system."
MN	Brennan v. Howmedica Osteonics Corp.	0:13-cv-00217-DWF-TNL	USDC, District of Minnesota (DMN)	Complaint Page 3, ¶ 11	"On June 29, 2010, Plaintiff Joan Brennan underwent left total hip arthroplasty using the Rejuvenate® system."

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MN	Davis v. Howmedica Osteonics Corporation	0:13-cv-00235-RHK-FLN	USDC, District of Minnesota (DMN)	Complaint Page 5, ¶ 23	"On December 11, 2009, Plaintiff underwent left total hip replacement surgery performed by Dr. Joseph Nessler at St. Cloud Hospital. Plaintiff was implanted with a Rejuvenate®. On July 11, 2011, Plaintiff had right total hip replacement surgery, again performed by Dr. Joseph Nessler at St. Cloud Hospital, who again implanted a Rejuvenate®."
MN	Gjerde v. Howmedica Osteonics Corporation	0:13-cv-00236-RHK-FLN	USDC, District of Minnesota (DMN)	Complaint Page 5, ¶ 23	"On April 12, 2010, Plaintiff underwent right total hip replacement surgery performed by Dr. Robert Doohen, at Cambridge Medical Center. Plaintiff was implanted with a Rejuvenate®."
MN	Heitland v. Howmedica Osteonics Corporation	0:13-cv-00168-RHK-FLN	USDC, District of Minnesota (DMN)	Complaint Page 3, ¶ 11	"On October 12, 2010, Plaintiff Jan Heitland underwent right total hip arthroplasty using the Rejuvenate® system."
MN	Helder v. Howmedica Osteonics Corporation	0:13-cv-00156-RHK-FLN	USDC, District of Minnesota (DMN)	Complaint Page 3, ¶ 11	"On August 12, 2010, Plaintiff Cheryl Helder underwent right total hip arthroplasty using the Rejuvenate® system. On October 31, 2011, Plaintiff underwent left total hip arthroplasty using the Rejuvenate® system."
MN	Mathiasen v. Howmedica Osteonics Corporation	0:13-cv-00170-RHK-FLN	USDC, District of Minnesota (DMN)	Complaint Page 3, ¶ 11	"On January 13, 2010, Plaintiff Jeffrey Mathiasen underwent left total hip arthroplasty using the Rejuvenate® system."
MN	Orndorff v. Howmedica Osteonics Corporation	0:13-cv-00329-DWF-L	USDC, District of Minnesota (DMN)	Complaint Page 20, ¶ 53	"Plaintiff Omdorff was implanted with the defective Stryker Rejuvenate modular stem and neck on November 30, 2010, by Dr. Joseph Nessler, at St. Cloud Hospital. The bearing surface components used in Plaintiffs surgery, which are not implicated in the failure of the defective device, are: the Stryker Restoration ADM Dual Mobility Acetabular Cup, the Stryker estoration ADM x3 Insert, and the Stryker Biolox delta ceramic femoral head."

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MN	Towler v. Howmedica Corporation	0:13-cv-00171-RHK-FLN	USDC, District of Minnesota (DMN)	Complaint Page 3, ¶ 11	"On January 13, 2010, Plaintiff Roger Towler underwent right total hip arthroplasty using the Rejuvenate® system."
MI	Harden v. Howmedica Osteonics Corporation	2:13-cv-00007-KS-MTP	USDC, Southern District of Mississippi (Hattiesburg)	Complaint Page 3, ¶ 9	"The Rejuvenate device was implanted in Harden, on March 16,2010, at Wesley Medical Center in Hattiesburg, Mississippi."
UT	Naegle v. Stryker Corporation et al.	1:12-cv-00240-EJF	USDC, District of Utah, (Northern)	Complaint Page 4, ¶ 15	"On or about November 16, 2010, a Rejuvenate Modular Hip was implanted in Ms. Naegle by a doctor in Logan, Utah."

BEFORE THE
UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: STRYKER REJUVENATE AND ABG II HIP IMPLANT PRODUCTS LIABILITY LITIGATION	MDL DOCKET NO. 2441 **CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on the 18th day of March, 2013, a copy of the following document was electronically filed with the Clerk of the Court by using the CM/ECF system which sent notice of electronic filing to all counsel of record:

DECLARATION OF RALPH A. CAMPILLO IN SUPPORT OF RESPONSE TO MOTIONS TO TRANSFER

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