

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: STRYKER REJUVENATE AND
ABG II HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/FLN)

This Document Relates to ALL ACTIONS

JOINT REPORT AND AGENDA FOR JUNE 12, 2014 STATUS CONFERENCE

Pursuant to Pretrial Order No. 3, in advance of the June 12, 2014 Status Conference, the parties submit this Joint Status Conference Report, with a proposed Agenda attached hereto as **Exhibit A**.

1. Report on Filings, Judicial Contacts, and State Court Litigation

There are approximately 1,040 cases filed in or on their way to the MDL, 1,178 cases filed in the New Jersey coordinated proceedings, 61 cases filed in Florida, and approximately 23 additional cases filed in California, Indiana, Michigan, Oregon. Attached hereto as **Exhibit B** are summaries of the cases filed by law firm and venue.

2. Report on Discovery

a. PPDs and PFSs

HOC has brought a motion to compel compliance with PTO No. 8 with regard to deficient PFS in 242 of the 490 cases originally eligible for inclusion in the bellwether case pool. More broadly, approximately 699 cases were filed in or transferred to the MDL on or before April 4, 2014. PPDs are overdue without a requested extension in 29

of these cases. PFSs are overdue without a requested extension in 81 of these cases. Defense Counsel is reviewing served PPDs and PFSs to determine whether they are properly completed, and provide medical records and authorizations. The PLCC and Plaintiffs' Liaison Counsel are reviewing their records, comparing with information provided by Defendants, and also working with plaintiffs' counsel to promote compliance.

b. Custodian Files

The parties' agreed upon plan to complete production of custodian files for 26 people identified in HOC's organizational charts that were meaningfully involved with the products at issue in on pace to be completed by July 15, 2014.

c. Exemplars

The parties reached an agreement on the production of exemplars devices and HOC has completed the production of requested exemplars devices to both the PLCC and attorneys from the New Jersey MCL. PLCC requested voluntary production of an impaction instrument. At HOC's request, PLCC will serve a formal discovery request seeking the impacting instrument and any other additional surgical instruments it seeks.

d. Depositions

PLCC has noticed the following depositions:

1. Deposition of a certain HOC Senior Research Engineer
2. Deposition of a certain HOC Senior Project Engineer
3. 30(b)(6) Deposition Regarding Document Retention
4. 30(b)(6) Deposition Regarding FDA/510(k)

5. 30(b)(6) Deposition Regarding Marketing
6. 30(b)(6) Deposition Regarding Device Failure Reports
7. 30(b)(6) Deposition Regarding Post-Recall Investigation/Analysis

PLCC has filed these discovery requests in the MDL docket. The depositions are noticed for dates in June and July. The parties are conferring on a deposition protocol, along with scheduling and related issues.

e. Suspension of Certain PFS Deadlines

The Court entered stipulated Amended PTO No. 8, which suspends the fact sheet obligations in cases in which plaintiff has not undergone a revision surgery.

3. Report on ADR

The parties continue to have success resolving cases through mediation. In the MDL, the parties have mediated 11 cases, and have had near 100 percent success in resolving them. In the New Jersey MCL, the parties have achieved similar success.

4. Selected Disputed Issues

The parties have filed and briefed two motions to compel discovery. HOC has moved to compel compliance with PTO No. 8 regarding PFS, and PLCC has moved to compel reproduction of certain documents without redactions. The parties will be prepared to argue the motions at the June 12, 2014 Status Conference.

Defendants seek clarification of certain terms, obligations, and prohibitions in the Court's Order Establishing a Common Benefit Fee and Expense Fund (CBO). (*See* Doc. No. 327.) PLCC asserts the CBO does not need clarification, and the conferral process is

not complete. Defendants disagree and will submit a letter to the Court identifying the issues.

Dated: June 9, 2014

Lead Counsel Committee Chairperson

/s/ Peter J. Flowers
Peter J. Flowers
MEYERS & FLOWERS
225 W. Wacker Drive, Suite 1515
Chicago, IL 60606
Phone: (312) 214-1017
Email: pjf@meyers-flowers.com

Defendants' Lead Counsel

/s/ Ralph Campillo
Ralph Campillo
Karen Woodward
SEDGWICK, LLP
801 S. Figueroa St., 19th Floor
Los Angeles, CA 90017
Tel: (213) 426-6900
Fax: (213) 426-6921
E-mail:
ralph.campillo@sedgwicklaw.com
karen.woodward@sedgwicklaw.com

Plaintiffs' Lead Counsel Committee

/s/ Annesley DeGaris
Annesley H. DeGaris
CORY WATSON CROWDER &
DEGARIS, PC
2131 Magnolia Avenue
Birmingham, AL 35205
Phone: (205) 328-2200
Email: adegar@cwcd.com

/s/ Wendy R. Fleishman
Wendy R. Fleishman
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Phone: (212) 355-9500
Email: wfleishman@lchb.com

/s/ Ben W. Gordon, Jr.
Ben W. Gordon
LEVIN PAPANTONIO, P.A.
316 S. Baylen Street, Suite 600
Pensacola, FL 32502-5996
Phone: (850) 435-7090
Email: bgordon@levinlaw.com

/s/ Eric Kennedy
R. Eric Kennedy
WEISMAN, KENNEDY & BERRIS
CO., L.P.A.
1600 Midland Building
101 Prospect Avenue West
Cleveland, OH 44115
Phone: (216) 781-1111
Email: ekennedy@weismanlaw.com

/s/ Genevieve M. Zimmerman
Genevieve M. Zimmerman (MN#330292)
ZIMMERMAN REED P.L.L.P.
1100 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Phone: (612) 341-0400
Fax: (612) 341-0844
Email: Genevieve.Zimmerman@zimmreed.com

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: STRYKER REJUVENATE AND
ABG II HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/FLN)

This Document Relates to ALL ACTIONS

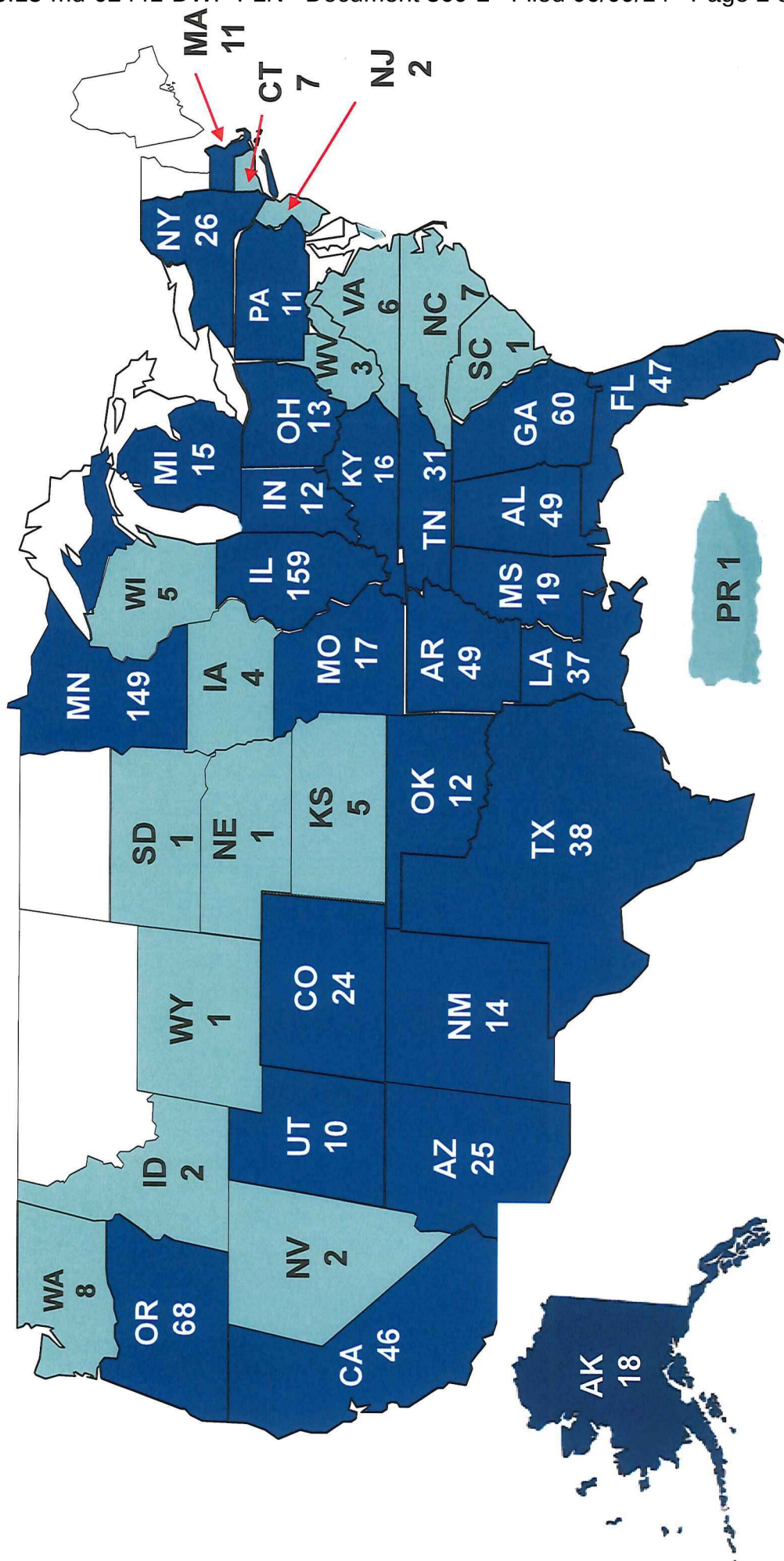
STATUS CONFERENCE AGENDA JUNE 12, 2014

PLCC and Defense Counsel propose the following agenda for the May 1, 2014 status conference:

1. Report on Federal and State Court Litigation
 - a) MDL filings (Exhibit B)
 - b) State court filings and important developments
 - c) Judicial contacts
2. Report on Discovery
 - a) PPDs and PFSs
 - b) Custodian files
 - c) Exemplars
 - d) Depositions
 - e) Suspension of PFS for unrevised plaintiffs
 - f) Status of identification of escrow agent
3. Report on ADR
4. Selected Disputed Issues
 - a) HOC's Motion to Compel Compliance with PTO No. 8
 - b) PLCC's Second Motion to Compel Discovery Regarding Redacted Documents
 - c) HOC's request for clarification of CBO
5. Other Issues
6. Scheduling Status Conferences
 - a) Next status conference – July 17, 2014
 - b) Future status conferences

EXHIBIT B

Geographical Breakdown of Stryker Rejuvenate/ABG II MDL Cases



Legend:
of MDL Cases in Each State

	Plaintiff's Counsel	Minnesota	Transferred to Minnesota	Number of Cases
1	Abrahamsen Conaboy		1	1
2	Ahearne Law Firm		2	2
3	Ahlers & Cooney		1	1
4	Allan Berger		1	1
5	Allen Kuehnle		1	1
6	Alley Clark		3	3
7	Alystock Witkin		1	1
8	Antonio Le Mon		1	1
9	Aylstock Witkin		2	2
10	Azrael Franz		1	1
11	Babbitt Johnson	10	10	20
12	Baber & Luppen		1	1
13	Bachus & Schanker		1	1
14	Bailey & Glasser		1	1
15	Beckett & Webber		1	1
16	Beckman Weil	2		2
17	Belt Law Firm		1	1
18	Bezou Law Firm		1	1
19	Blankenship Law Offices		1	1
20	Bohanan & Associates		1	1
21	Bouterie Law Firm		1	1
22	Bowersox Law Firm		23	23
23	Brena Bell		3	3
24	Bruno & Bruno		1	1
25	Burch & George		1	1
26	Capitelli & Wicker		1	1
27	Casey Gerry		1	1
28	Cellino & Barnes		1	1
29	Chehardy Sherman		1	1
30	Childers Schlueter	3	17	20
31	Conway Londregan		1	1
32	Cooley Manion		2	2
33	Cooper & Kowalski		1	1
34	Copeland Richards		1	1
35	Coplan & Crane		3	3
36	Cory Watson		44	44
37	Costello McMahon		1	1
38	Cunningham Bounds		7	7
39	Cusack Gilfillan		1	1
40	Dell & Dean		1	1
41	Dell & Schaefer		1	1
42	Dewsnup King		3	3

	Plaintiff's Counsel	Minnesota	Transferred to Minnesota	Number of Cases
43	Donahey Defossez		1	1
44	Donahue Davies		1	1
45	Donald P. McKenna, Jr.		1	1
46	Doyle Firm		1	1
47	Dunlap & Seeger	1		1
48	Dunn Nutter		1	1
49	Dwyer & McDevitt		1	1
50	Dwyer Mc Carthy		1	1
51	Eisenberg Gilchrist		1	1
52	English Lucas		1	1
53	Esdaile Barrett		1	1
54	Ezell Law		1	1
55	Fabian & Clendenin		2	2
56	Farr Rasmussen		2	2
57	Fine Law Firm		1	1
58	Finnerty Law Offices		1	1
59	Finz & Finz		1	1
60	Fisher Boyd		1	1
61	Fitzpatrick & Fitzpatrick		1	1
62	Folan & McGlone		1	1
63	Fox and Farmer		1	1
64	Fred M. Johnson		1	1
65	Galloway & Jefcoat		3	3
66	Gatti Gatti		16	16
67	Gene Lanham		1	1
68	Gentry Locke		2	2
69	Gertler Law Firm		1	1
70	Gilman Law		1	1
71	Gilreath & Associates		4	4
72	Godosky & Gentile		1	1
73	Goldberg & Osborne		6	6
74	Goldberg Weisman		6	6
75	Goldstein Fluxgold		1	1
76	Grant & Eisenhofer		2	2
77	Greg Coleman Law		1	1
78	Hall Law	1		1
79	Hamilton Miller		1	1
80	Hardison & Cochran	1		1
81	Hare Wynn		31	31
82	Hastings Law Firm		1	1
83	Hepworth Janis		1	1
84	Hillyard Wahlberg		1	1

	Plaintiff's Counsel	Minnesota	Transferred to Minnesota	Number of Cases
85	Hollis Law Firm		1	1
86	Howard Kohn		1	1
87	Hurley McKenna		14	14
88	In Pro Se		1	1
89	Ingaldson Fitzgerald		1	1
90	James Lee Ford		1	1
91	Jeff Green		1	1
92	Joel Brown		1	1
93	John A. Zick		3	3
94	John M. Molloy		1	1
95	John Sileo Law		1	1
96	Johnson Johnson		4	4
97	Jones Ward		10	10
98	Kabateck Brown		2	2
99	Kaiser Gornick		1	1
100	Kelley Bernheim	1	26	27
101	Kelly Firm		1	1
102	Kelly Uustal		1	1
103	Kershaw Cutter	2	64	66
104	Kingery Durree		9	9
105	Kirklin Soh		1	1
106	Kitrick Lewis		2	2
107	Kralovec Jambois		1	1
108	Kramer Rayson		1	1
109	Kristofer Kallman		1	1
110	Lambert Firm		1	1
111	Landendorf & Landendorf		1	1
112	Langdon & Emison		2	2
113	Larry Helvey Law Firm	1		1
114	Law Firm of Jack Tolliver		1	1
115	Law Firm of Krisor & Associates		1	1
116	Law Firm of Stephen M. Reck		1	1
117	Law Office of C. Michael Lawson		1	1
118	Law Office of Jeffrey A. Manheimer	2		2
119	Law Office of Jeffrey S. Glassman		2	2
120	Law Office of John Day		1	1
121	Law Office of John Xavier Perez		1	1
122	Law Office of Lisa Douglas		1	1
123	Law Office of Thomas D. Nissen		1	1
124	Law Office of William H. Newkirk		1	1
125	Law Offices of Peter G. Angelos		1	1
126	Lee Borthick Law Office		1	1

Plaintiffs' Counsel with Cases in the MDL (6/5/2014)

	Plaintiff's Counsel	Minnesota	Transferred to Minnesota	Number of Cases
127	Levin Papantonio		32	32
128	Levin Simes		20	20
129	Lieff Cabrasher		15	15
130	Ludwig Law Firm		1	1
131	Lundy Lundy		4	4
132	Maglio Christopher		1	1
133	Matthews Sanders		1	1
134	Mayer & Harper		1	1
135	McGartland Borchardt		1	1
136	McGartland Law Firm		9	9
137	McGinn Carpenter		4	4
138	McGowan Hood		1	1
139	McMath Woods		8	8
140	McNamara Goldsmith		6	6
141	McSweeney Langevin	1	1	2
142	Meshbesher Spence	77		77
143	Meyerkord & Meyerkord		1	1
144	Meyers & Flowers	2	60	62
145	Michael A. Fakhoury, P.C.		6	6
146	Michael J. Shemper		1	1
147	Morgan & Morgan	2	8	10
148	Morrison Mahoney		1	1
149	Motley Rice		2	2
150	Murray and Murray		1	1
151	Napoli Bern	1	4	5
152	Neblett Beard		1	1
153	Nicholas R. Rockforte		1	1
154	O'Friel & Levy		1	1
155	Onder Shelton		6	6
156	O'Steen Harrison		1	1
157	Panish Shea		1	1
158	Parker & Parker		4	4
159	Pasquina/Thebaud		1	1
160	Paul Byrd Law Firm		2	2
161	Pearson Randall	1		1
162	Pendley Baudin		6	6
163	Peterson & Associates		1	1
164	Piscitelli		2	2
165	Pittman Dutton		20	20
166	Pittman Firm		1	1
167	Plymale Law Firm		1	1
168	Podhurts Orseck		1	1

	Plaintiff's Counsel	Minnesota	Transferred to Minnesota	Number of Cases
169	Pope McGlamry	3	1	4
170	Power Rodgers	5	14	19
171	Provost Umphrey		1	1
172	Rapoport Law		2	2
173	Reardon Law Firm		1	1
174	Reichert Wenner	1		1
175	Richard Harris Law Firm		1	1
176	Richard J. Serpe		2	2
177	Richard Shapiro		1	1
178	Richardson Richardson		2	2
179	Rietz Law Firm		1	1
180	Robinson Calcagnie		5	5
181	Romano Law Office		2	2
182	Rosenbaum & Rosenbaum		1	1
183	Salim Beasley		1	1
184	Salley Hite		1	1
185	Salvi Schostok		13	13
186	Saunders Walker		3	3
187	Scanlan Law Group		1	1
188	Seeger Salvas		1	1
189	Shezad Malik Law Office		4	4
190	Shipman & Wright		1	1
191	Showard Law Firm		5	5
192	Shuttlesworth & Lasseter		2	2
193	Simon Law Firm		28	28
194	Slack & Davis		13	13
195	Smith & Alspaugh		1	1
196	Sneckenberg, Thompson		1	1
197	Stadtmauer & Associates		1	1
198	Steven A. Denny		1	1
199	Steven F. Goldstein		1	1
200	Stratton Faxon		2	2
201	Strong Law Offices		10	10
202	Sullo & Sullo		16	16
203	Suthers Law Firm		14	14
204	Sutin Thayer		1	1
205	Tate Law Group		2	2
206	Taylor Martino		1	1
207	The Driscoll Firm		11	11
208	The Fitzgerald Law Firm		1	1
209	Thornton & Naumes		6	6
210	Timothy O'Dowd		1	1

	Plaintiff's Counsel	Minnesota	Transferred to Minnesota	Number of Cases
211	Tonkon Torp		1	1
212	Tully Law Firm		1	1
213	Wagstaff & Cartmell		1	1
214	Wallace Boggs		2	2
215	Watkins Lourie		1	1
216	Watts Guerra	1	2	3
217	Weidner & Assoc		1	1
218	Williams Cuker		2	2
219	Williams Litigation Group		1	1
220	Wilson Law		1	1
221	Woodley Williams		3	3
222	Zimmerman Reed	30	29	59
223	Zoll, Kranz & Borgess		5	5
	Totals:	148	884	1032