

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS, INC.)	MDL Docket No. 3:11-MD-2244
PINNACLE HIP IMPLANT)	
PRODUCTS LIABILITY LITIGATION)	
)	
<i>This Document Relates To:</i>)	Honorable Ed Kinkeade
ALL CASES)	

PLAINTIFFS' OMNIBUS MOTION

Larry P. Boyd
Wayne Fisher
FISHER, BOYD, JOHNSON
& HUGUENARD, LLP
2777 Allen Parkway, Suite 1400
Houston, Texas 77019
(713) 400-4000
(713) 400-4050 Fax
E-mail: lboyd@fisherboyd.com

Plaintiffs' Co-Lead Counsel

W. Mark Lanier
THE LANIER LAW FIRM
6810 FM 1960 Rd. W
Houston, TX 77069-3804
(713) 659-5200
(713) 659-2204 Fax
E-mail: wml@lanierlawfirm.com

Richard J. Arsenault
NEBLETT, BEARD & ARSENAULT
2220 Bonaventure Court
P.O. Box 1190
Alexandria, Louisiana 71301
(800) 256-1050
(318) 561-2591 Fax
E-mail: rarsenault@nbalawfirm.com

Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue
New York, NY 10016
(212) 784-6402
(212) 213-5949 Fax
E-mail: jconroy@simmonsfirm.com

Plaintiffs' Executive Committee on behalf of the Plaintiffs' Steering Committee

The Plaintiffs through the Plaintiffs' Executive Committee, file the following Omnibus Motion.

STAGGERED REMAND

1. The Plaintiffs move the Court to begin an orderly and efficient staggered remand process. Based on the work accomplished thus far in this MDL, metal-on-metal revision cases from the states of California, New York, and Texas can be quickly prepared for remand.
2. The Plaintiffs move the Court to order each side to select appropriate cases for this staggered remand, in order to prepare ten cases for trial in each Federal District within California, New York, and Texas.
3. The Plaintiffs move to have these cases segregated from the larger MDL for preparation under the MDL Court's oversight throughout 2018.
4. The Plaintiffs request the remands be timed to begin trying each tranche of selected plaintiffs in each Federal District of California, New York, and Texas beginning in 2019.
5. Plaintiffs have previously submitted comprehensive remand briefing (Doc. Rec. 771 Plaintiffs' Memorandum of Law Regarding Staggered Remand and Doc. Rec. 775 Plaintiffs' Reply Memorandum in Further Support of Memorandum of Law Regarding Staggered Remand), which is incorporated by reference and attached as Exhibits A and B, respectively, for the court's convenience.

REMAND TRIAL DISCOVERY

6. The Plaintiffs request that each side be ordered to select and notice trial video depositions for use in further proceedings.
7. These video depositions are to be of the witnesses that the parties seek to use at trial, either of their own side (experts or fact witnesses) or of the opposing side (expert or fact witnesses).
8. These video depositions are for use in all the remanded trials.
9. These depositions will be for perpetuation and without regard to whether the witnesses have been deposed during the discovery phase of the MDL.

10. The Plaintiffs seek to have the Court, through the Special Master or as the Court deems otherwise, preside over the depositions to rule on objections as they arise.

MDL PHASED DEVELOPMENT AND DISCOVERY

11. The Plaintiffs move that's this Court now begin staged discovery of the metal-on-poly revision cases that are in the MDL.
12. The Plaintiffs also move for discovery on the non-personal injury cases in the MDL pertaining to RICO, consumer statutes, qui tam, or other non-personal injury cases.

DEFENDANTS' FACT SHEETS

13. The Plaintiffs request that the Special Master order Defendants to complete Defendants' Fact Sheets within a prescribed time in a form determined pursuant to the agreement of the parties to abide by the rulings of the Special Master in this regard. *See generally* February 28, 2017 Transcript of Status Conference (corr.) at pgs. 46-47 (attached as Exhibit C).
14. Plaintiffs have previously submitted comprehensive briefing regarding Defendants' Fact Sheets and Plaintiff Profile Forms (Doc. Rec. 739 Plaintiffs' Brief in Support of a Plaintiff Profile Form and Defendants Fact Sheet and Doc. Rec. 741 Plaintiffs' Response and Objection to Defendants' Proposed Protocol for Compliance with Plaintiffs Proposed Defendants Fact Sheet), which are incorporated by reference and attached as Exhibits D and E, respectively, for the court's convenience.

COMMON BENEFIT HOLD

15. The Plaintiffs seek to have this Court order that any case that settles will have a hold on any distribution of the settlement proceeds until this Court enters an appropriate common benefit assessment.

PRE-TRIAL SCHEDULE

16. The Plaintiffs request that the Court enter a Pretrial schedule to govern the timely preparation of these cases including the relief described herein.

PRAYER FOR RELIEF

Plaintiffs pray for relief described herein including the staggered remand, the entry of an associated pre-trial schedule, perpetuation depositions, trial discovery, phased development and discovery in non-metal-on-metal cases, an order for the form of Defendants' Fact Sheets, a schedule for completing Defendants' Fact sheets, a common benefit hold, and all other just relief.

Dated: February 5, 2018

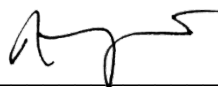
Respectfully submitted:



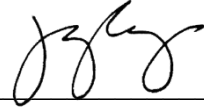
W. Mark Lanier
THE LANIER LAW FIRM
6810 FM 1960 Rd W
Houston, TX 77069-3804
(713) 659-5200
(713) 659-2204 Fax
E-mail: wml@lanierlawfirm.com



Wayne Fisher
FISHER, BOYD, JOHNSON
& HUGUENARD, LLP
2777 Allen Parkway, 14th Floor
Houston, Texas 77019
Telephone: (713) 400-4000
Fax: (713) 400-4050
Email: wfisher@fisherboyd.com



Richard J. Arsenault
NEBLETT, BEARD & ARSENAULT
2220 Bonaventure Court
P.O. Box 1190
Alexandria, Louisiana 71301
Telephone: (800) 256-1050
Fax: (318) 561-2591
E-mail: rarsenault@nbalawfirm.com



Jayne Conroy
SIMMONS HANLY CONROY
112 Madison Avenue
New York, NY 10016
Telephone: (212) 784-6402
Fax: (212) 213-5949
E-mail: jconroy@simmonsfirm.com

CERTIFICATE OF SERVICE

I certify that the foregoing instrument was filed via the court's CM/ECF system on February 5, 2018, and was also served on Defendants by electronic mail.



Mark Lanier