

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: ZIMMER NEXGEN KNEE)
IMPLANT PRODUCTS LIABILITY) MDL NO. 2272
LITIGATION)
)
) Master Docket Case No. 1:11-cv-05468
)
) Honorable Rebecca Pallmeyer

**NOTICE OF INTENT TO CONSUMMATE GLOBAL SETTLEMENT AND
IDENTIFICATION OF NON-PARTICIPATING PLAINTIFFS**

On July 20, 2018, Defendant Zimmer, Inc., and Plaintiffs' leadership executed a Global Master Settlement Agreement intended to resolve all or nearly all federal and state court cases within the scope of this multidistrict litigation. Zimmer now notifies the Court that, based on the participation of 273/279 eligible state court and federal plaintiffs, Zimmer intends to consummate and fund the global settlement, subject to further terms and conditions agreed upon by the parties.

Furthermore, Plaintiffs' leadership identifies the five MDL plaintiffs¹ whose cases will be unresolved by the Global Master Settlement.

- (1) Barbara Smith, Case No. 1:12-cv-08925
- (2) Justeen Widoff, Case No. 1:15-cv-10001
- (3) Susan Morton, Case No. 1:12-cv-06607
- (4) Ernie Calbart, 1:16-cv-05460
- (5) Cindy Bartlette, 1:12-cv-03330

Pursuant to Paragraph 4 of Case Management Order No. 13, Zimmer respectfully requests an order in each of these cases providing these plaintiffs with 60 days to serve Zimmer's

¹ The case of the lone remaining non-participating plaintiff is pending in state court, outside these MDL proceedings.

Co-Lead Counsel with Rule 26(a)(2) expert reports on each of the elements of their claims requiring expert testimony, unless the Court has previously entered an Order in their respective cases setting an earlier deadline for the provision of expert reports.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

POGUST MILLROOD, LLC

/s/ Peter A. Meyer

Peter A. Meyer (Ind. State Bar #27968-53)
James Stephen Bennett (Ill. State Bar #6226615)
110 West Berry Street, Suite 2400
Fort Wayne, Indiana 46802-2322
Telephone: (260) 424-8000
Email: peter.meyer@faegrebd.com
stephen.bennett@faegrebd.com

/s/ Tobias L. Millrood

Tobias L. Millrood
8 Tower Bridge, Suite 1520
161 Washington Street
Conshohocken, PA 19428
Telephone: (610) 941-4204
Email: tmillrood@pogustmillrood.com

Co-Lead Counsel for Plaintiffs

Andrea Roberts Pierson
(Ind. State Bar #18435-49-A)
300 North Meridian Street, Suite 2700
Indianapolis, Indiana 46204
Telephone: (317) 237-0300
Email: andrea.pierson@faegrebd.com

Co-Lead Counsel for Zimmer, Inc.

CERTIFICATE OF SERVICE

I certify that on February 11, 2019, a copy of the foregoing was filed electronically. Parties may access this filing through the Court's electronic records system.

/s/ Peter A. Meyer _____