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§ Also admitted in FL
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November 29, 2022

Via ECF

The Honorable Nicholas Garaufis
United States District Court for the Eastern District of New York
225 Cadman Plaza East, Room 1426 S
Brooklyn, NY 11201

Re: *In Re: Exactech Polyethylene Orthopedic Products Liability Litigation*
MDL No.: 3044, 1:22-md-0344-NGG-MMH

Dear Judge Garaufis:

Pursuant to the Minute Entry for proceedings entered on November 17, 2022, Plaintiffs' proposed co-lead counsel provide this letter detailing a suggested leadership structure as well as the requested biographical information of those seeking appointment. The individuals in the submission agree to the structure set forth below. We are aware of no objections to this consensus proposed leadership structure. The CVs/resumes of each applicant are also attached herein.

The proposed slate encompasses a diverse group of attorneys with varying levels of experience, from different racial and ethnic backgrounds and who practice in multiple jurisdictions

throughout the country. All these attorneys have expressed a willingness to devote substantial time and resources to this litigation, many of whom have already been working together for months along with counsel in the Florida state court litigation to advance the needs of the case. We contacted all counsel with filed cases at the time of the conference to inquire if they were interested in a leadership role and the applicants below represent all those who expressed interest. We were contacted by another firm since the conference asking for a committee seat, and they are also included in this consensus slate.

As detailed below, Plaintiffs' proposal consists of both senior and more junior attorneys. This combination will allow the younger attorneys or those newer to Multidistrict Litigation to gain experience as well as the necessary guidance to serve in leadership roles as their legal careers progress. For example, appointment to the Plaintiffs' Steering Committee would be a first for six of the twelve applicants (Cutler, Fleming, Furness, Goldstein, Harman and Wigle). Additionally, Ms. Wall, who is proposed to serve on the Plaintiffs' Executive Committee, has been practicing for ten years and has never been appointed to a Multidistrict Litigation steering committee despite her extensive involvement in other MDLs working with her senior partner. Lastly, five of the applicants seeking sub-committee appointments (Falcon, Mohammadi, Oh, Silverman and Wolk) have also never been appointed by an MDL Court to serve in any leadership capacity.

Several of the applicants also come from diverse racial and ethnic backgrounds. For example, the Executive Committee would include an attorney of Filipino descent, and the Plaintiffs' Steering Committee would include attorneys who are Black, Hispanic and of Indian descent. The discovery committee includes a young lawyer of Korean descent. The proposed Co-Leads recognize the importance of diversity and inclusion. Each attorney appointed will strive to include and assign work related to this MDL to other diverse members of their law firms which will enable them to gain the requisite experience to apply for leadership roles in the future.

The pool of applicants also hails from eleven different states. While several of the applicants practice in New York, Plaintiffs' proposed structure would also include attorneys who practice in Florida (three attorneys), Ohio (three attorneys), Texas (three attorneys), Georgia (two attorneys), Missouri (two attorneys), Colorado, Illinois, Louisiana, Maine, and Tennessee.

Given the potential size of the litigation and that multiple products are at issue, Plaintiffs believe the size of the Plaintiffs' Steering Committee as well as the number of sub-committee appointments is necessary to best represent the interests of the personal injury plaintiffs. We would also request that each appointment be deemed personal in nature. Thus, we suggest an appointment cannot be substituted by another attorney, including a member of the appointees' law firm, except with the Court's approval. This is often done in other MDL's to ensure that the actual individuals the Court has appointed are those most involved, as opposed to a different law firm member.

I. Proposed Co- Lead Counsel

Kirk Pope

Kirk Pope is a Shareholder, Officer and Director of the law firm of Pope, McGlamry, Kilpatrick, Morrison & Norwood, P.C. (Pope McGlamry). He has extensive experience in litigation against large corporate defendants in individual cases, coordinated litigation at the federal and state level, and class actions. Specifically, as to leadership in medical device litigation, Mr. Pope has held Plaintiffs' Co-Lead Counsel positions in coordinated litigation involving product claims in the Conserve metal-on-metal hip implant (MDL 2329), the Dynasty modular metal-on-metal hip implant (the California statewide coordination, JCCP 4710), the Profemur titanium and cobalt chromium modular neck and femoral stem (MDL 2949 and TN State Court Coordinated Proceedings). These coordinated litigations have resulted in resolution of over 1,600 cases/claims.

Pope McGlamry currently represents over 75 individuals that have claims associated with failed polyethylene inserts in both the Exactech hip and knee implants. For months Kirk Pope has been working with other law firms nationwide in a coordinated effort to organize the prosecution of claims against Exactech. Additionally, he has been meeting with experts in orthopedics, polymers, pathology, and packaging as applied to these claims.

Over the past twelve years, Mr. Pope has worked with many of the lawyers that are part of this leadership submission on orthopedic cases involving the DePuy ASR hip implant, Stryker Rejuvenate modular femoral stem, Stryker LFIT V-40 femoral head, Biomet M2a Magnum metal-on-metal hip implant, Wright metal-on-metal hip implants, and Profemur modular femoral stems. He respectfully seeks a Co-Lead position with Ellen Relkin with whom he has worked closely in hip litigations over the years and fully supports the Proposed Plaintiffs' Leadership Slate submitted herewith. <https://www.pmkm.com/>

Resume attached as Exhibit 1.

Ellen Relkin

Ellen Relkin is a partner at Weitz & Luxenberg, P.C. in New York City and Cherry Hill, New Jersey. She is certified by the New Jersey Supreme Court as a Certified Civil Trial Attorney. Ms. Relkin has been in practice since 1985 and was admitted to the Eastern District of New York since 1986. Her experience in medical device MDL's dates to 2010 when she appointed as co-lead counsel in the DePuy ASR MDL litigation in the N.D. Ohio. In that capacity she managed the bellwether trial and discovery process, took corporate and expert depositions and played a key role in negotiating the \$3.2 billion settlement. Notably, she negotiated the global settlement with Susan Sharko, Esq., counsel for DePuy, who is now one of Exactech's counsel in this litigation. She was appointed by the Hon. Brian Martinotti as lead counsel in the New Jersey MCL 296 *In*

Re: Stryker Rejuvenate/ABG II Modular Hip Litigation, involving another recalled hip prosthesis and was a member of the negotiating team for its billion+ settlement. The settlement efforts began with the experimental use of a “bellwether mediation” process suggested by Judge Martinotti that was the subject of a law review entitled, *The Bellwether Settlement*, 85 Fordham L. Rev. 2275 (2017), available at: <https://ir.lawnet.fordham.edu/flr/vol85/iss5/3> In that capacity she has significant experience in structuring and administering complex orthopedic settlement programs. Thereafter, she served as lead counsel lead/liaison counsel in the New Jersey Multicounty Litigation involving another recalled hip component, *In Re: Stryker LFit CoCr V40 Femoral Heads Litigation*, Case No. 624 and was also appointed as State Liaison Counsel as well as to the Plaintiffs’ Executive Committee of the parallel *In Re: Stryker LFit V40 Femoral Head Products Liability Litigation MDL No. 17-md-2768-IT*. Two rounds of settlement programs have issued in that litigation. She represents more than 150 individuals who have serious injuries arising from recalled Exactech knee, hip and ankle components, she filed and argued the JPML petition seeking the E.D.N.Y. and is prepared to devote substantial time and resources to this MDL.

Separate from the numerous orthopedic implant MDLs noted above, Ms. Relkin was appointed in 2019 as co-lead counsel to the *In Re: JUUL Labs, Marketing Sales Practices, and Products Liability Litigation*, N.D. Cal. In 2018, she was appointed to the Executive Committee in the Multi-District Litigation, *In Re: National Prescription Opiate Litigation*, N.D. Ohio. In 2017, she was appointed as co-lead counsel to the *In Re: Farxiga Products Liability Litigation*, guiding the MDL to an early and complete resolution. She held numerous previous appointments.

Ms. Relkin is an elected member of the American Law Institute and the American Bar Foundation and she serves on the Board of Governors of the New Jersey Association for Justice, where she is the Co-Chair of the Mass Tort Law Committee. She was honored to receive the Marie Lambert award from the Women’s Caucus of the American Association for Justice in 2019 for her role in mentoring younger women lawyers over the years. <https://www.weitzlux.com/>

Resume attached as Exhibit 2.

II. Proposed Executive Committee

Robert E. (Eric) Kennedy

Robert E. (Eric) Kennedy is the Managing Partner of Weisman Kennedy & Berris Co., LPA (WKB) located in Cleveland, Ohio. His entire career has focused on pharmaceutical and medical devices and medical malpractice litigation. He currently represents 35 clients in the Exactech litigation; and most relevant to Exactech is his 20 years of experience in the following multidistrict litigation involving orthopedic devices: 1) *In re: DePuy ASR Hip Implant Products Liability Litig.*, MDL No. 2197: Member of the Executive Committee. Eric took many of the critical depositions on behalf of the MDL; he was Lead Counsel in two of the five trials and was

responsible for experts for a third trial; and he was involved in the resolution and administration of the \$3.2 billion settlement; 2) *In re: Stryker Rejuvenate and ABG-II Hip Implants Products Liability Litig.*, MDL No. 2441: Member of the Executive Committee. Eric took the only deposition prior to resolution and was a member of the Negotiation Committee resulting in a billion + dollar settlement and 3) *In re: Sulzer Hip Prosthesis and Knee Prosthesis Litigation*, MDL No. 1401: Lead Class and Liaison Counsel. He was involved in the negotiation, settlement and administration of the \$1.1 billion resolution. Additionally, Mr. Kennedy was Lead Trial Counsel in the *In re: Telectronics (cardiac monitoring leads) Pacing Systems, Inc. Litigation*; Class Counsel in the *In re: Diet Drugs (Phen-Fen) Products Liability Litigation*, MDL No. 1203; and was Lead Trial Counsel in the *In re: Welding Fume Litig.*, MDL No. 1535. <http://weismanlaw.com/>

Resume attached as Exhibit 3.

Carasusana B. Wall

Carasusana B. Wall is a partner at Zoll & Kranz, LLC in Toledo, Ohio and has been practicing for ten years. She has devoted the majority of her work to representing plaintiffs in mass tort actions associated with medical devices and pharmaceuticals. Beginning with the *In Re: Depuy Orthopedics, Inc. ASR Hip Implant Products Liability Litigation* (MDL No. 2197, "Depuy ASR"), Ms. Wall has worked with Partner Michelle L. Kranz in her leadership roles and gained substantial and substantive experience in nearly every aspect of mass tort leadership, as detailed in her CV, from overseeing common benefit document review to conducting extensive third-party discovery. She also served on the trial team for two bellwether trials in the *In re: Testosterone Replacement Therapy Products Liability Litigation* (MDL No. 2545, "TRT"). Her work has been particularly focused on the regulatory aspects of litigations. This has included assisting with regulatory depositions in the Depuy ASR MDL, expert report and deposition workup for a regulatory expert in the TRT MDL, and leading the development and workup of multiple regulatory experts in the *Gilead Tenofovir Cases* (JCCP No. 5043).

As a mixed-race Asian American raised in the heart of Flint, Michigan, Cara Wall devotes substantial time to furthering diversity and inclusion efforts. She has been a member of the Ohio State Bar Association's Justice, Equity, Diversity and Inclusion Coalition (JEDI) since its inception in 2021. She has served as chair of the Toledo Bar Association's Diversity, Inclusion and Race Equity (DIRE) Committee since 2017, where she oversees an approximately 50-person committee, manages six subcommittees, and runs the minority clerkship program to create employment pipelines for qualified law students of color. Although Ms. Wall has extensive MDL experience by virtue of Ms. Kranz's leadership appointments, this will be Cara Wall's first MDL appointment. <https://toledolaw.com/>

Resume attached as Exhibit 4.

Calvin Warriner

Calvin Warriner has been a partner at Searcy, Denney law firm, based in West Palm Beach, Florida since 1992. He is board certified in civil trial law by both the Florida Bar and National Board of Trial Advocacy. For twenty years, his practice has focused on multi-plaintiff, mass actions primarily involving drug and medical devices. Since 2010, hip and knee implant failures have occupied almost 100% of his professional time. He delivered plaintiffs' science presentation to the court in the Stryker Rejuvenate, Stryker LFIT V40 and Zimmer M/L Taper hip implant MDLs. He served with proposed co-lead counsel Ellen Relkin and on the court appointed negotiating team in both the Stryker Rejuvenate and Stryker LFIT V40 MDLs and together successfully resolved thousands of cases for sums cumulatively reaching multiple ten figures. Most importantly, his firm has a large docket of both Exactech hip and knee cases. Cal Warriner was appointed as Co-Lead counsel in the Florida state court consolidated Exactech case and will be invaluable in ensuring seamlessly cooperation between the jurisdictions. He has met with key experts to advance the litigation. His firm is professionally and financially committed to the litigation and prepared to see it through to completion. <https://www.searcylaw.com/>

Resume attached as Exhibit 5.

III. Proposed Liaison Counsel

Rayna E. Kessler

Rayna E. Kessler is a partner in the New York office of Robins Kaplan LLP. Ms. Kessler is admitted to practice law in New York, New Jersey, and Pennsylvania, including in the Eastern District of New York. Following a clerkship with New Jersey Mass Tort Judge Carol E. Higbee, J.A.D., during which she worked on several high-profile pharmaceutical and medical device mass tort matters, Ms. Kessler has devoted most of the past 11 years to representing individuals who are harmed by defective drugs or medical devices—both in consolidated state and federal mass tort litigations. She has served in court-appointed mass tort state court liaison counsel roles, including *In re: Benicar (Olmесartan Medoxomil) New Jersey Multicounty Litigation*, Case No. 299; *In re: Abilify*, Case No. 626; and *In re: Taxotere Litigation*, Case No. 628.

On the MDL front, Ms. Kessler served as the State/Federal Coordination Chairperson for the Plaintiff Steering Committee in the *In re: Benicar (Olmесartan) Products Liability Litigation*, MDL No. 2606. In the *Benicar* litigation, U.S. Magistrate (Ret.) Joel Schneider noted that “Ms. Kessler’s work made a significant contribution to the effective and efficient management and progress of the MDL.” MDL No. 15-2606, Memorandum Opinion and Order, at 9 (November 5, 2019). For her work on behalf of injured individuals, she was recognized as a New Leader of the Bar in 2018 and Top Woman in Law in 2016 by the *New Jersey Law Journal*, and she was named a New York Metro Rising Star by *Super Lawyers* in 2021 and 2022. Ms. Kessler was among the

first attorneys to file an Exactech case in the Eastern District of New York, and represents dozens of individuals with Exactech hip, knee, and ankle implants. If appointed as liaison counsel, she will work with and support the clerk of court to ensure that the Court's directives are communicated and followed, as well as continue to work closely with all plaintiffs' counsel to apprise them of developments in the litigation and make available records of all orders, filings, and discovery. www.robinskaplan.com

Resume attached as Exhibit 6.

Joseph Saunders- Federal/State Liaison Counsel

Joseph H. Saunders is a Civil Trial Lawyer who is Board-Certified by the National Board of Trial Advocacy and by the Florida Bar. He was admitted to the California Bar in 1981 and to the Florida Bar in 1982. He is one of the court-appointed Co-Lead counsel of the Florida Coordinated Exactech Litigation in Alachua County. As he expressed to the Court, he filed early cases in Alachua County and has conducted discovery and has a state court trial setting in November 2023 in an Exactech hip case. Given this involvement, he can provide valuable assistance to the federal MDL court as federal- state liaison counsel.

He is an Adjunct Professor of Law at Stetson Law School and is AV Rated by Martindale-Hubbell Legal Directory. He authored a March 2012 peer-reviewed article in the American Association for Justice Trial Magazine on Daubert Qualification of Regulatory Expert Witnesses in Pharmaceutical and Medical Device cases.

Since becoming involved in the Fen-Phen Diet Drug litigation 23 years ago, he and the law firm have specialized in plaintiff pharmaceutical and medical device litigation. Most of the law practice has been in multidistrict litigation and class action litigation.

Mr. Saunders has been appointed to federal plaintiff steering committees in Pelvic Mesh (MDLs 2187, 2325, 2326, 2327, 2387, and 2440 -West Virginia), Biomet Hip Implant (MDL 2391-Indiana) Zicam Cold Medicine (MDL 2096-Arizona), and in the New York State Court's Coordinated Bausch & Lomb Contact Lens Solution litigation (New York City). He served as co-class counsel in the U.S. District Court for the Middle District of Florida in the ground water pollution litigation of *Sher v. Raytheon*. Case No. 8:08- CIV-889-T-33-AEP.

www.saunderslawyers.com

Resume attached as Exhibit 7.

IV. Proposed Plaintiffs' Steering Committee

Mark P. Chalos

Mark P. Chalos is the Managing Partner of Lieff Cabraser's Nashville, Tennessee office. Mark has been appointed to leadership roles in centralized mass tort and class action litigations across the United States, including in cases involving defective pharmaceutical drugs, consumer products, and motor vehicles. He has tried cases in federal and state courts. Most recently, in the federal MDL litigation against wrongdoers in the opioids industry, Mr. Chalos served on the trial team for the national bellwether trial in San Francisco, which resulted in a favorable verdict for the client. He presently serves as President of the Tennessee Trial Lawyers' Association and serves as Co-Chair of American Association for Justice Class Action Litigation Section. Mr. Chalos is on the adjunct faculty of Vanderbilt Law School, teaching "The Practice of Aggregate Litigation" and he has written extensively on the efficient management of complex litigation. <https://www.lieffcabraser.com/>

Resume attached as Exhibit 8.

Michael P. Cutler

Michael P. Cutler is a partner at Wagstaff & Cartmell in Kansas City, Missouri. He has been practicing for over sixteen years, the first fourteen of which was at a large national firm primarily representing corporate clients on the defense side in a variety of case types, including personal injury, product liability, contract, class action, and franchise litigation. Mr. Cutler's work on mass tort cases began with his arrival at Wagstaff & Cartmell almost two years ago in the *In re: Juul Labs, Inc. Marketing, Sales Practices & Products Liability Litigation*, MDL No. 2913. In the *Juul* litigation, he oversaw the significant discovery process for four wave one bellwether school districts, in addition to expert work, briefing, and trial preparation. Mr. Cutler is a member of the Hispanic Bar Association of Greater Kansas City. If appointed to the Plaintiffs' Steering Committee in this litigation, it would be his first court appointed leadership role. www.wagstaffcartmell.com

Resume attached as Exhibit 9.

Maria Fleming

Maria Fleming is an Associate Attorney at Napoli Shkolnik PLLC in Cleveland, Ohio and has been practicing for five years. Fleming attended Cleveland-Marshall College of Law from 2012-2016, and was admitted to practice law by the State of Ohio in November 2017. Fleming served on the trial team in the National Prescription Opiate Litigation MDL Bellwether trials of Lake and Trumbull Counties. [*County of Lake v. Purdue Pharma LP et al.*, case number 1:18-op-45032, *County of Trumbull v. Purdue Pharma LP et al.*, case number 1:18-op-45079, and *In re:*

National Prescription Opiate Litigation, case number 1:17-md-02804, in the U.S. District Court for the Northern District of Ohio]. Fleming has been involved with the opioid litigations since 2018 including propounding discovery requests, providing responses to discovery requests, participating in deposition preparation, meeting with clients, and attending various meet and confers with opposing counsel. As a Black woman, she has been especially committed to representing the underserved populations in both rural and urban counties who have been severely impacted by the opioid crisis. If appointed to the Plaintiffs' Steering Committee, it would be Fleming's first court appointment. <https://www.napolilaw.com/>

Resume attached as Exhibit 10.

Arati Chauhan Furness

Arati Chauhan Furness is a Managing Attorney at Forester Haynie in Dallas, Texas. Her father first came from India to America in the 1960's to further his education. In furtherance of that drive for knowledge, she was not only the first in her family to go to law school, but also the first attorney at her Dallas-based Hindu Mandir (temple). Ms. Furness has been a practicing attorney in both California and Texas for the past 20 years. She initially started her career in insurance defense and was involved in all aspects of litigation, including file management, written discovery, depositions, selection of experts, deposition of experts and trial. In 2017, after switching to the plaintiffs' side, she began working on pharmaceutical and medical device cases at a large mass torts firm. Ms. Furness was involved in various PSC discovery projects in the *In Re IVC Filters* litigations against Bard, Cook and Cordis, as well as assisted the PSC with discovery in the Bard Hernia Mesh litigation. Currently, she represents over 130 individuals injured by Exactech's products. If appointed to the PSC in this litigation, it would be her first court leadership appointment. <https://foresterhaynie.com/>

Resume attached as Exhibit 11.

Jason Goldstein

Jason S. Goldstein is an associate at Parker Waichman, LLP in Port Washington, New York and has been practicing for eleven (11) years. For the entirety of his practice, Mr. Goldstein has represented plaintiffs in multi-district litigations throughout the country, with a particular emphasis on orthopedic device cases. Prior to joining Parker Waichman in February 2022, Mr. Goldstein was an associate at The Lanier Law Firm for eight (8) years and was an integral member of multiple trial teams. Specifically, Mr. Goldstein was involved in four (4) bellwether trials for the metal-on-metal hip MDL, *In Re DePuy Orthopaedics, Inc. Pinnacle Hip Implants Product Liability Litigation*, MDL No. 2244 (ND. TX). As a member of the *Pinnacle* trial team, Mr. Goldstein handled bellwether case selection, discovery, plaintiff and treater depositions, and dispositive motion practice. Beyond his work in *Pinnacle*, Mr. Goldstein has significant case management experience in orthopedic device cases and managed case inventories spanning seven (7) orthopedic

implant litigations, which encompassed thousands of clients. Beyond his orthopedic device experience, Mr. Goldstein served as a trial team member in consumer products cases such as *Ingham, et. al v. Johnson & Johnson, Inc., et al*, Case No.: 1522-CC10417 (St. Louis, Missouri). Mr. Goldstein is currently serving as a core discovery and bellwether committee member in *In Re Elmiron, (Pentosan Polysulfate Sodium) Products Liability Litigation*, MDL No.: 2987 (D. NJ). Mr. Goldstein currently represents dozens of individuals with Exactech implants and has, and will, continue to devote the majority of his time to litigating these Exactech cases. If appointed to the Plaintiff Steering Committee, it would be Mr. Goldstein's first court appointed leadership position. www.yourlawyer.com

Resume attached as Exhibit 12.

David Harman

David Harman is a shareholder at Burg Simpson Eldredge Hersh & Jardine, P.C. ("Burg Simpson") and works in its Cincinnati, Ohio office. Mr. Harman has focused his eleven years of practice on complex litigation, and he has considerable experience representing individuals in mass tort and multidistrict litigation ("MDL") involving pharmaceuticals and medical devices. If appointed to the Plaintiffs' Steering Committee in this case, it would be Mr. Harman's first MDL leadership appointment. Mr. Harman has the skills and experience necessary to serve in this role. For the past eleven years, Mr. Harman has worked directly with Burg Simpson attorneys appointed to multiple MDL and mass tort leadership positions, such as *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation* (MDL 2100), *In re Depakote Products Liability Litigation*, and the *Gilead Tenofovir Cases*, JCCP No. 5043. In working with leadership on these cases, Mr. Harman has gained experience at all stages of mass tort litigation. Mr. Harman has worked on written discovery, motions to exclude expert witnesses, motions for summary judgment, preparing for and presenting oral argument, preparing bellwether cases for trial, trial, appellate briefing and oral argument, and settlement administration for over 1,000 clients. These experiences have well prepared Mr. Harman to serve on the Plaintiffs' Steering Committee in this case. Mr. Harman has the full support of Burg Simpson and its resources to help prosecute this matter. If appointed, Mr. Harman will work cooperatively with all counsel to effectively and efficiently move this litigation forward. <https://www.burgsimpson.com/>

Resume attached as Exhibit 13.

Kristine K. Kraft

Kristine K. Kraft is a partner at Schlichter, Bogard & Denton, LLP in St. Louis, Missouri and has been practicing for 32 years. The first 16 years of her career was as a defense attorney, primarily serving in regional counsel roles on behalf of asbestos manufacturers in personal injury and property damage actions, as well as discrimination cases. Since 2006, Ms. Kraft has represented plaintiffs in multi-district litigation involving pharmaceutical drugs and devices. She

has been appointed in several multi-district litigations to serve as Co-Lead Counsel and Liaison Counsel, as well as on many Plaintiffs' Steering Committees and Committee Seats. She has extensive experience in facilitating efficient management of the Bellwether process and also handling a diverse range of roles on discovery and expert committees. Her current appointments include Plaintiff Steering Committee roles in *In re: Abbott Laboratories, et al., Preterm Infant Nutrition Products Liability Litigation*, 1:22-cv-00071 (Rebecca R. Pallmeyer N.D. Illinois) and *In re: JUUL Labs Inc., Marketing Sales Practices and Products Liability Litigation*, 3:19-md-02913 (William H. Orrick N.D. California). Ms. Kraft has been involved in the Exactech litigation for months, has participated in Plaintiff Consortium Meetings, and most recently filed two lawsuits that are included in the MDL before your Honor. Ms. Kraft seeks appointment to the Plaintiffs' Steering Committee. Ms. Kraft and members of her firm will commit their time and resources to this litigation. Ms. Kraft appreciates the Court's consideration and assures the Court of her consistent commitment to this litigation. <https://uselaws.com/>

Resume attached as Exhibit 14.

Hadley E. Lundback

Hadley E. Lundback is a partner with the law firm Faraci Lange, LLP in Rochester, New York and has been practicing for 17 years. She has tried mass tort and medical malpractice cases. Ms. Lundback has been appointed to leadership in six centralized cases, including the Plaintiffs' Steering Committee in *In re Bard IVC Filters Products Liability Litigation* (MDL 2641) and in *In re Biomet M2A Magnum Hip Implant Products Liability Litigation* (MDL 2391) and the Science Committee in the Stryker Rejuvenate/ABG II New Jersey Multi County Litigation. Her client's case was chosen as a bellwether for trial *In re DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation* (MDL 2197), and she was on the trial team that prepared the case for trial readiness. Ms. Lundback currently serves as Co-Lead Counsel in *Baker v. Saint Gobain Performance Plastics Corp.*, No. 1:16-cv-917 (N.D.N.Y.) representing a class of current and former residents of Hoosick Falls, New York whose drinking water and properties were contaminated with perfluorooctanoic acid (PFOA). Ms. Lundback began investigating claims against Exactech in April 2022, filed her first case in September 2022 and has collaborated with a consortium of lawyers litigating these cases since July 2022. <https://www.faraci.com/>

Resume attached as Exhibit 15.

Ben C. Martin

Ben C. Martin is a founding member and partner of Martin Baughman, PLLC, in Dallas, Texas. For more than thirty years, Ben Martin has dedicated his career to helping individuals and families whose lives have been shattered by catastrophic injury and wrongful death. He has tried numerous cases to verdict in Texas, Mississippi, Wisconsin, California, and Arkansas—to name a few—and is an Advocate member of the American Board of Trial Advocates and previously served as president of its Dallas Chapter. Mr. Martin is co-lead counsel in Cook IVC Filter MDL 2570,

as well as the Philadelphia Rex Argon IVC filter JPML, and served on the plaintiffs' steering committee in the national Bard IVC filter litigation. Mr. Martin has extensive experience in both state and federal pharmaceutical litigation, including Vioxx, Risperdal, Xarelto, and Zofran, as well as medical devices such as transvaginal mesh and medical staplers. Currently, Mr. Martin is investigating hundreds of potential cases involving premature failures of Exactech hip, knee, and/or ankle systems. <https://www.martinbaughman.com/>

Resume attached as Exhibit 16.

Daniel A. Nigh

Daniel A. Nigh is a shareholder at Levin Papantonio Rafferty, et. al. in Pensacola, FL and has been practicing for sixteen years. At the young age of 40, Daniel Nigh is currently Co-Lead counsel for the Valsartan MDL. In addition, he is currently the court-appointed chair of the science and experts committee and on the PSC for the Zantac MDL. He previously served as chair of the discovery committee for the Benicar MDL. Mr. Nigh also served on the science committee for the DePuy ASR MDL and the Bair Hugger bellwether and discovery committees. He was, and in some cases, still is actively involved in deposing corporate witnesses in the following MDLs: Abilify, Vaginal Mesh, Benicar, Valsartan, Zantac and DePuy ASR. Mr. Nigh has also been litigating hip and knee implant cases for over thirteen years. Finally, he was selected to the top 40 under 40 attorneys for the National Trial Lawyers Association. <https://www.levinlaw.com/>

Resume attached as Exhibit 17.

Justin Presnal

Justin Presnal is a shareholder in the Complex Litigation Department at Simmons Hanly Conroy, an Illinois and New York based firm, primarily working out of a Texas office. He is a litigation and appellate strategist with almost 30 years of experience. He was appointed to the Plaintiffs' Executive Committee in the Biomet M2a Magnum Hip Implants MDL (MDL 2391) to help steer cases that Biomet excluded from their 2013 MDL global settlement program, after the original leadership group resigned. That led to a successful resolution of virtually all of the remaining cases. He also led the Law & Briefing team in the DePuy Pinnacle Hip Implants MDL (MDL 2244) through seven years of hard-fought litigation that included five bellwether trials including almost 20 plaintiffs, two merits appeals, and multiple mandamus proceedings. Most recently, Mr. Presnal has served as a senior member of the Law & Briefing Committee in the federal Opioid MDL (MDL 2705), assisting with strategy and briefing all over the country, and as a member of the trial team that represented Suffolk County, New York in a seven-month jury trial in 2021, and also the team that represented the City of San Francisco in a three month bench trial in 2022. Both trials resulted in favorable decisions and ultimately resulted in all claims against all defendants being resolved by settlement. <https://www.simmonsfirm.com/>

Resume attached as Exhibit 18.

Patrick J. Wigle

Patrick Wigle is a partner at Waters Kraus & Paul in Dallas, Texas and has been practicing for fourteen years. For the first half of his career, Mr. Wigle represented plaintiffs in single event catastrophic personal injury cases — primarily medical negligence and product liability matters. In 2015, he joined Waters Kraus & Paul, where he began working on toxic tort and mass tort cases. He was previously involved with litigation of cases in the *In Re: Zimmer Durom Hip Cup Products Liability Litigation*, MDL No. 2158, as well as the *In Re Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, MDL No. 2327. Mr. Wigle has been involved with the Exactech litigation since the recall in February of this year, having filed some of the first Exactech knee cases in federal court. He has held multiple meet and confers with Exactech's counsel on the subject of device preservation. Mr. Wigle currently represents more than 50 individuals with Exactech implants and will continue to devote the majority of his time to litigating Exactech cases. If appointed to the Plaintiffs' Steering Committee, this would be his first court leadership appointment. <https://waterskraus.com>

Resume attached as Exhibit 19.

V. Proposed Sub-Committee Members

Cameron J. Falcon

Cameron J. Falcon is a new partner at Falcon Law Firm in New Orleans, Louisiana, and has been practicing since 2021. During his limited time as a member of the Bar he has been involved in serious single event personal injury as well as toxic tort complex litigation. He began working on mass tort cases from the beginning of his career through involvement in *In Re: Oil Spill by the Oil Rig "Deepwater Horizon"*, 12-968 BELO in MDL no. 2179 where he participated in discovery and litigation matters for hundreds of individual clients. Falcon has been involved in the Exactech matters since drafting and filing initial pleadings for two individuals in the Eastern District of Louisiana. Falcon is a young attorney who wishes to build upon his experience in mass tort litigation. After being inspired by the Court's comments at the hearing to include younger attorneys within the leadership slate, Mr. Falcon sought committee involvement. The five-attorney firm he joined has sufficient resources to dedicate to this litigation. If appointed to a committee position in this litigation, it would be Falcon's first court appointment. falconlaw.com

Resume attached as Exhibit 20.

Kevin M. Fitzgerald

Kevin M. Fitzgerald is the principal and founder of Fitzgerald Law Group, LLC in Portland, Maine. Fitzgerald has been practicing since 2002 with a focus in mass tort litigation

involving medical devices and prescription drugs. In 2018, Fitzgerald was appointed to the Plaintiffs' Executive Committee ("PEC") in *In re: Zimmer M/L Taper Hip Prosthesis or M/L Taper Hip Prosthesis With Kinectiv Technology and VerSys Femoral Head Products Liability Litigation*, MDL No. 2859 (S.D.N.Y.). This was his first individual MDL leadership appointment. In his role on the PEC, Fitzgerald and three other attorneys were responsible for prosecuting all potential common benefit claims including coordinating pretrial proceedings and handling general fact and expert discovery for plaintiffs nationwide. Fitzgerald currently represents more than 35 individuals with Exactech hip and/or knee implants. If appointed to a committee in this litigation, it will be Fitzgerald's second court leadership appointment. Fitzgerald has known proposed co-lead attorneys Relkin and Pope for years and has worked cooperatively with both in past litigations. Fitzgerald looks forward to the possibility of working more closely with both proposed co-leads here given their significant experience in orthopedic device cases. <https://fitz-lawgroup.com/kevin-fitzgerald/>

Resume attached as Exhibit 21.

Danielle Gold

Danielle Gold is an associate at Weitz & Luxenberg, P.C. in New York City and has been practicing for over nine years in the Drug and Medical Device Litigation Group. She represents plaintiffs in various product liability and Multidistrict Litigation actions, many of which include injuries resulting from failed orthopedic devices. Ms. Gold has been very involved with the Exactech litigation following announcement of the knee recall in February 2022 and represents over 150 clients, including twenty plaintiffs with cases already in suit. Ms. Gold, along with Ms. Relkin, filed a petition with the Judicial Panel of Multidistrict Litigation seeking consolidation of these cases in the Eastern District of New York. While she currently serves on the Executive Committee of the Plaintiffs' Steering Committee in *In re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation*, MDL No. 2973 and previously served as Plaintiffs' Liaison Counsel in *In re: Farxiga (Dapagliflozin) Products Liability Litigation*, MDL No. 2776, in the Southern District of New York where she presented the Plaintiffs' expert witness at the Science Day held by Judge Schofield, this would be her first appointment to a Science/Expert Committee and will enable her to gain experience working with experts to expound on different aspects of the case. www.weitzlux.com

Resume attached as Exhibit 22.

George E. McLaughlin

George E. McLaughlin is a solo practitioner at McLaughlin Law Firm in Denver, Colorado, and has been practicing civil litigation for 43 years. He has tried well more than fifty civil cases to verdict in his career. The first fifteen years of that career were spent representing defendants in

product liability, medical malpractice, personal injury, and architecture and engineering litigation. Since then, his practice has been exclusively representing plaintiffs in medical malpractice and product liability litigation. He has been representing individual plaintiffs in failed orthopedic device cases since 2010, when he filed one of the first Profemur Modular Neck fracture cases against Wright Medical Technology. That led to him representing approximately one hundred individual plaintiffs in their cases against Wright Medical over the past twelve years. In the course of that Profemur litigation, he personally took approximately fifty depositions of Wright Medical employees, and experts, and pursued the production of hundreds of thousands of documents in discovery. In 2015 he was co-lead plaintiffs' counsel in a month-long trial to verdict of a Wright Medical Profemur hip fracture case in Los Angeles, California, Superior Court, resulting a multi-million-dollar verdict for his clients, which was upheld on appeal. More recently, he has been co-lead Plaintiffs' Counsel, with attorney Kirk Pope of Atlanta, in the Wright Medical Profemur Hip Litigation, MDL 2949, which is in the process of settlement. That settlement will free up significant time in his practice to work on other new matters. He presently has two Exactech cases, and expects to receive more over time from his referral sources. If appointed to the Discovery Committee Mr. McLaughlin intends to be actively involved in discovery. www.mcllf.com

Resume attached as Exhibit 23.

Courtney L. Mohammadi

Courtney L. Mohammadi is a shareholder at Pope McGlamry in Atlanta, Georgia and has been practicing for eleven years. For the first nine years of her practice, Mohammadi represented plaintiffs in single event catastrophic personal injury, product liability, and medical negligence cases, as well as relators in qui tam litigation. She first began working on mass torts cases in 2020 through her involvement on three committees in the *In Re: Zantac (Ranitidine) Products Liability Litigation*, MDL No. 2924 where she serves on the third-party discovery, data analytics, and investigations committees. Mohammadi has been involved with the Exactech litigation since the outset including drafting initial pleadings, discovery, collaborating on the ESI protocol entered in the Florida litigation, arguing at the JPML hearing, and has had many meet and confers with defense counsel in the *Collum-Bradford* matter which is scheduled for trial in September 2023 in state court California. Mohammadi currently represents over 75 individuals with Exactech implants and has and will continue to devote the majority of her time to litigating Exactech cases. If appointed to a committee in this litigation, it would be Mohammadi's first court leadership appointment. <https://www.pmkm.com/>

Resume attached as Exhibit 24.

Joanna Oh

Joanna Oh is of counsel to Dell and Dean, PLLC, where her practice concentrates on all aspects of personal injury litigation. She started practicing in 2020. She started out her passion for

law at one of the largest Korean personal injury law firms in New York before becoming a graduate of Touro College- Jacob D. Fuchsberg Law Center. Oh has interned as a clerk in the chambers for the United State District Court, Eastern District of New York and the Nassau County Supreme Court performing research, writing, and assisting the Court in trials and hearings. If appointed to the committee in this litigation, it would be her first time serving on a Multi-District litigation committee. Although Oh has never served on an MDL committee before, she possesses the drive and ambition to work in this mass tort litigation. will devote time to the committee and its responsibilities. Her firm represents several Exactech implant clients and have recently commenced suit. <https://d2triallaw.com/>

Resume attached as Exhibit 25.

Craig M. Silverman

Craig M. Silverman is Counsel at Sullivan Papain Block McGrath Coffinas & Cannavo in New York City, and has been practicing for seventeen years. If appointed to a committee in this litigation, it would be Mr. Silverman's first MDL appointment. For approximately ten years, he represented hundreds of plaintiffs in consolidated and class toxic tort cases in Maryland state courts against the oil industry. During this time, Mr. Silverman was part of a trial team that obtained a verdict, which included punitive damages, on behalf of homeowners against a national homebuilder, and a verdict as Class Counsel against an oil company for contaminating a neighborhood aquifer. He was also hands-on in responding to written plaintiff discovery, defending plaintiffs' depositions, and preparing plaintiffs for trial in a case against ExxonMobil brought by nearly 200 plaintiffs, which resulted in a \$1.5 billion jury verdict after a six-month trial. Mr. Silverman also has experience navigating and litigating products liability cases, including medical device cases. This experience includes litigating and settling a group of power morcellator cases, and managing dockets for other mass torts, such as hernia mesh. He has been investigating Exactech cases since prior to the recall, and currently represents over 50 individuals with Exactech implants. Mr. Silverman also participated with other plaintiffs' counsel in formulating the proposed Preservation Order in the Florida Exactech consolidation, and provided input and guidance related thereto. Silverman will continue to devote the majority of his time to litigating Exactech cases. www.triallaw1.com

Resume attached as Exhibit 26.

Ilana S. Wolk

Ilana S. Wolk is an associate at The Jacob D. Fuchsberg Law Firm in New York City, New York. After graduating from law school, Ms. Wolk served as a Deputy Attorney General for the State of New Jersey for three years. She began privately practicing complex litigation in 2015. Ms. Wolk's diverse practice areas have included medical malpractice, products liability, catastrophic

injury and aviation law. She is being proposed as a Science Committee member. If appointed, this would be her first time serving on a multi-district litigation committee. Ms. Wolk has two cases filed in this litigation to date and will be representing additional claimants in the upcoming months. Last year, she litigated to resolution a case against Exactech involving the Optetrak Logic knee. Although Ms. Wolk has never served on an MDL committee before, she possesses seven years of experience working in mass tort litigation and previously represented over 3,000 clients in the 9/11 Terror Litigation. <https://www.fuchsberg.com/>

Resume attached as Exhibit 27.

Respectfully Submitted,

/s/ Ellen Relkin, Esq.
Weitz & Luxenberg, P.C.
700 Broadway
New York, NY 10003

-and-

/s/ Kirk Pope, Esq.
Pope McGlamry
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Atlanta, GA 30326

cc: Magistrate Judge Marcia M. Henry
All Counsel of Record via ECF