

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
(BROOKLYN)**

**IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY
LITIGATION**

Case No.: 1:22-md-03044-NGG-MMH

**District Judge Nicholas G. Garaufis
Magistrate Judge Marcia M. Henry**

This Document Relates to All Cases

MDL No. 3044

INTERIM JOINT STATUS REPORT

Pursuant to the Court’s Minute Entry & Order dated March 23, 2023 (Dkt. # 165), Plaintiffs’ Co-Lead Counsel for the Personal Injury Plaintiffs (“Personal Injury Plaintiffs”), MSP Recovery Claims Series, LLC (the “TPP Plaintiff”), the Exactech Defendants, and the TPG Defendants (collectively the “Parties”) jointly submit the following interim report regarding the status of discovery and the litigation generally.

I. Current Federal and State Court Case Count & State Court Coordination

There are currently 481 cases pending in or being transferred to this multidistrict litigation (“MDL”), 422 of which involve knee products, 53 of which involve hip products, and 5 of which involve ankle products. There are 151 state court cases pending in the Florida consolidated proceedings in the Eighth Judicial Circuit of Florida, Alachua County, 113 of which involve knee products, 36 of which involve hip products, and 2 of which involve ankle products. The Parties have identified an additional 21 cases pending in other state courts.¹ The Parties continue to believe that discovery across federal and state court actions should be coordinated to the extent feasible and will continue to seek the assistance of the Court in accomplishing that goal.

¹ A list of all state court cases other than the cases pending in Florida is attached as Exhibit A.

II. Master and Short Form Complaints

The Personal Injury Plaintiffs filed an Amended Master Personal Injury Complaint on March 22, 2023. (Dkt. # 164.) The Exactech Defendants filed their Master Long Form Answer and Additional Defenses to the Amended Master Personal Injury Complaint on April 21, 2023. (Dkt. # 204.)

On March 29, 2023, the Personal Injury Plaintiffs submitted a Short Form Complaint and Demand for Jury Trial as to the Exactech Defendants and TPG Defendants, and a proposed Practice and Procedure Order regarding Direct Filing as to the TPG Defendants. (Dkt. # 175.) On April 10, 2023, the Personal Injury Plaintiffs submitted a proposed Short Form Complaint (“SFC”) Implementation Order and a proposed Practice and Procedure Order for Electronic Service on the TPG Defendants. (Dkt. # 190.)

On April 14, 2023, the Court entered (1) an Order Governing Adoption of the Amended Master Personal Injury Complaint and Short Form Complaint and Demand for Jury Trial (Dkt. # 196); (2) Practice and Procedure Order No. 4 (Direct Filing as to the TPG Defendants) (Dkt. # 194); and (3) Practice and Procedure Order No. 5 (Electronic Service) (Dkt. # 195.)

III. Preliminary Disclosure Forms, Fact Sheets, and Record Authorizations

On April 7, 2023, the Personal Injury Plaintiffs and Exactech Defendants filed a proposed Second Amended Fact Sheet Implementation Order to clarify that future Personal Injury Plaintiffs shall submit their Plaintiff Fact Sheets (1) within seventy-five days of the direct filing of a case in the MDL or the transfer of a complaint to the MDL, or (2) by June 6, 2023, whichever date is later. (Dkt. # 184.) The Court entered the Second Amended Fact Sheet Implementation Order on April 14, 2023. (Dkt. # 198.) These documents are available at www.exactechmdlfilings.com.

IV. Discovery Case Management Order

A. Personal Injury Plaintiffs and Exactech Defendants’ Position on the Discovery Case Management Order.

On April 24, 2023, the Personal Injury Plaintiffs and Exactech Defendants filed a joint letter with the Court attaching their respective positions on a Proposed Discovery Case

Management Order governing master discovery between the Personal Injury Plaintiffs and Exactech Defendants. (Dkt. # 206.) On April 28, 2023, the Personal Injury Plaintiffs and Exactech Defendants will file three-page letter briefs in support of their respective Proposed Discovery Plans.

The Personal Injury Plaintiffs' and Defendants' position is that the Proposed Discovery Plans focus on the personal injury litigation as that was the mission of the MDL. If the MSP case remains in the MDL, the Parties will meet and confer to (1) determine what discovery, if any, MSP may need beyond what is being produced already, and (2) agree on a schedule for all the discovery to be produced by MSP.

B. TPP Plaintiff's Position on the Discovery Case Management Order

On April 24, 2023, the TPP Plaintiff filed an objection to the proposed discovery case management order (Dkt. # 207) because it does not take into account certain TPP specific issues, such as permitting the TPPs to propound TPP specific discovery, protections for TPP HIPAA protected data, or a schedule for class certification briefing. The Personal Injury Plaintiffs and the Defendants did not meaningfully involve the TPP Plaintiff in drafting the produced discovery case order, and they didn't include the TPP Plaintiff in any of their meet and confer calls—despite the Court appointing the TPP Plaintiff counsel to the discovery committee and despite the Court's order that the Parties coordinate. (*See* Nov. 16, 2022 Hrg. Tr. at 25:25-26:9.) The TPP Plaintiff's position is that the Court should defer ruling on the proposed discovery case management order and require the Parties to engage in meaningful discussion to address the TPP Plaintiff's concerns and then file a revised joint proposed order that takes into account the needs of all the Parties in this litigation.

The Personal Injury Plaintiffs and Defendants are incorrect that the “mission” of the MDL is to focus on the personal injury litigation. The Judicial Panel on Multi District Litigation already rejected those arguments and found that “MSP Recovery falls within the MDL's ambit because it involves economic loss claims on behalf of a putative class of all third-party payers relating to the

allegedly defective Exactech ankle, knee, and hip devices at issue in the MDL.” Transfer Order, *In re: Exactech Polyethylene Orthopedic Products Liability Litigation*, MDL No. 3044 (D.N.J.) (D.E. 26).

V. Discovery from Exactech

A. Personal Injury Plaintiffs and Exactech Defendants’ Position Regarding Discovery from Exactech

On April 5, 2023, the Personal Injury Plaintiffs served Exactech with master written discovery. On April 24, 2023, Exactech advised the Personal Injury Plaintiffs that its position is that the discovery was not properly served because a Rule 26 conference has not yet occurred. This issue is further discussed in the Personal Injury Plaintiffs and Exactech’s respective Proposed Discovery Plans (Dkt # 206-1 and 206-2) and the three-page letter briefs in support of same to be filed on April 28, 2023.

The Personal Injury Plaintiffs and Exactech Defendants continue to meet-and-confer regarding the scope of ESI including search terms and custodians. Plaintiffs’ leadership seeks to depose an Exactech corporate representative on ESI issues. The Exactech Defendant’s position is that a 30(b)(6) on these issues is premature at this time particularly as the Parties continue to meet and confer regarding these issues. The issues pertaining to search terms, custodians, and the ESI 30(b)(6) deposition are further outlined in the Personal Injury Plaintiffs and Exactech’s respective Proposed Discovery Plans (Dkt # 206-1 and 206-2) and the three-page letter briefs in support of same to be filed on April 28, 2023. Plaintiffs’ Florida leadership has participated in these meet-and-confers with the goal of coordinating ESI discovery and avoiding duplicative efforts between the MDL and Florida litigations.

On March 17, 2023, MDL Liaison Counsel and Plaintiff’s counsel in the *Freeze* case (Florida Case No. 01-2021-CA-001555), Joseph Saunders, took the depositions of two Exactech employees – Kate Jacobson and Alyson Dodge. Mr. Saunders has also requested to take, and the Exactech Defendants have agreed to produce, three additional Exactech employees for deposition

in May or June 2023.²

Plaintiffs in the *Collum-Bradford* case in California state court have served requests for production and a 30(b)(6) deposition notice on the Exactech Defendants. The parties in that case continue to meet-and-confer on this discovery.

Plaintiffs in six state court cases in Cook County, Illinois have also served requests for production and interrogatories on the Exactech Defendants. The Exactech Defendants are meeting and conferring with Plaintiffs' counsel in those cases with the goal of coordinating that discovery with the MDL and Florida.

On March 2, 2023, MSP prematurely served the Exactech Defendants with written discovery. On March 23, 2023, "[t]he Court stayed [MSP's] discovery demands until at least May 3, 2023." (Minute Entry & Order, Dkt. # 165).

B. The TPP Plaintiff's Position Regarding Discovery from Exactech

On March 2, 2023, the TPP Plaintiff served the Exactech Defendants with written discovery. At the March 23, 2023 case management conference, the Court abated the Exactech Defendants' responses until May 3, 2023. (*See* March 23, 2023 Hrg. Tr. at 46:2-13, Dkt. # 182.)

With respect to the ESI search terms and custodians, the TPP Plaintiff has requested on several occasions to be included in the conferrals regarding the scope of ESI search terms and custodians. However, the TPP Plaintiffs have been excluded and have not received any drafts of the proposed ESI search terms or custodians.

VI. The TPP Plaintiff's Claims in the MDL

Pursuant to the Court's Minute Order dated February 22, 2023, the Exactech Defendants filed a letter on March 21, 2023, requesting a pre-motion conference to file a Federal Rule 12(b) Motion to Dismiss the TPP Plaintiff's Class Action Complaint. (Dkt. # 163). On March 23, 2023, the TPP Plaintiff filed a response letter asking the Court to waive its pre-motion conference

² The *Freeze* case is currently set for trial in November 2023, in the Circuit Court of Alachua County, Florida. Plaintiff served his expert disclosures on April 21, 2023.

requirement and expedite the briefing on the Exactech Defendants' forthcoming Motion to Dismiss. (Dkt. # 172). On March 31, 2023, the Court granted both the Exactech Defendants' request to file a Federal Rule 12(b) Motion to Dismiss the TPP Plaintiff's Class Action Complaint and the TPP Plaintiff's request to waive the Court's pre-motion conference requirement.

Pursuant to the Court's Minute Order dated March 31, 2023 and Rule V(B)(1)-(2) of Judge Garaufis's Individual Rules, the Exactech Defendants filed their fully briefed Motion to Dismiss the TPP Plaintiff's Class Action Complaint on April 20, 2023. (Dkt. # 202, 202-1, 202-2, and 202-3). On April 21, 2023, the Exactech Defendants filed a letter notifying the Court of supplemental authority related to their Motion to Dismiss, identifying a recent Second Circuit opinion in another case where MSP was the plaintiff. (Dkt. # 203). On April 27, 2023, the TPP Plaintiff filed a letter requesting the Court to strike the Exactech Defendants' purported notice of supplemental authority because it goes far beyond what is permitted in a notice of supplemental authority and improperly makes legal arguments, which were not made in defendants' motion to dismiss. In the alternative, the TPP Plaintiff asked the Court to permit the TPP Plaintiff to respond to defendants' arguments in the supplemental authority. (D.E. 211).

The Exactech Defendants and the TPP Plaintiff have both requested oral argument on the Exactech Defendants' Motion to Dismiss. (Dkt. # 202).

VII. Preservation Protocols and Orders

Pursuant to the Court's Minute Entry & Order dated March 23, 2023 (Dkt. # 165), the Personal Injury Plaintiffs and the Exactech Defendants filed a proposed Case Management Order and Pathology and Medical Device Preservation Protocol on April 17, 2023. (Dkt. # 200). As of the date of filing this Joint Interim Status Report, the Court has not yet entered the proposed Case Management Order and Pathology and Medical Device Preservation Protocol.

VIII. The TPG Defendants

On March 30, 2023, the TPG Defendants filed a letter motion for a pre-motion conference in support of their anticipated motion to dismiss the Personal Injury Plaintiffs' Amended Master

Personal Injury Complaint. (Dkt. # 176). The Personal Injury Plaintiffs filed their letter response on April 6, 2023. (Dkt. # 183.) On April 10, 2023, the Court granted the TPG Defendants' request for a pre-motion conference. The TPG Defendants and the Personal Injury Plaintiffs informed the Court's deputy that they are available for the pre-motion conference on May 19, 2023 at 11:00 AM eastern time by WebEx.

On April 5, 2023 the Personal Injury Plaintiffs served TPG with master written discovery.

IX. Personal Injury Plaintiffs' Position on Plaintiffs' Leadership Counsel

Since the formation of the leadership structure, one of the attorneys on the PSC, Daniel Nigh, left his firm Levin Papantonio, did not take any of the firm's Exactech cases with him to his new firm, and advised that he was forfeiting his seat on the Exactech PSC. Timothy O'Brien, a very senior litigator at Levin Papantonio, has taken over the firm's substantial Exactech docket and has requested to be substituted for the PSC seat. Levin Papantonio made the Common Benefit Assessment contribution to the Committee's account. The PEC welcomes Mr. O'Brien, a highly skilled trial lawyer, to the PSC. A copy of his abbreviated resume is attached as Exhibit B.

Similarly, the PSC requests to substitute attorney David Landever of the firm Weisman Kennedy to take over the Executive Committee seat from his senior partner Eric Kennedy. David Landever has worked closely with Mr. Kennedy for years on orthopedic device cases, but as the younger attorney, has only had one MDL appointment (Depuy ASR MDL Science Committee). Since Eric Kennedy has been very busy with different MDL trial work (Opioids and Paraquat) and he agrees David Landever should be recognized for the substantial work he is doing in the Exactech litigation, the PEC requests that the appointment be made official. Mr. Landever's abbreviated biography is also attached as Exhibit B. Plaintiffs submit a proposed order to the Court as Exhibit C setting forth the amended leadership team.

X. Science Day

On April 7, 2023, pursuant to the Court's request, the Personal Injury Plaintiffs, Exactech Defendants, and TPG Defendants submitted a revised Science Day Order to reflect the Court's

rulings on March 28, 2023. (Dkt. # 185.) On April 14, 2023, the Court entered Pretrial Order No.

1 with respect to Science Day. (Dkt. # 197.)

To help facilitate further coordination between the federal and state litigations, the parties in the *Collum-Bradford* case invited the Honorable Erin E. Guy Castillo to attend Science Day. (Dkt. #193.) Judge Guy Castillo has indicated that she is interested in attending remotely, and the parties are therefore working through the logistics of making that possible.

The Parties look forward to seeing Your Honors in Gainesville on May 10 for Science Day.

Dated: April 27, 2023

Respectfully submitted,

WEITZ & LUXENBERG, P.C.

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Counsel for MSP Recovery Claims, Series LLC

EXHIBIT A

Case	Case No.	Court
Louis Aliperta, Jr. v. Exactech, Inc., et al.	152304/2023	Supreme Court of the State of New York, County of New York
Michael Biasotti and Barbara Biasotti v. Exactech, Inc., et al.	153274/2023	Supreme Court of the State of New York, County of New York
Cecelia A. Bonin v. Exactech, Inc., et al.	825-468	24th Judicial District for the Parish of Jefferson, Louisiana
Stewart F. Brownlee v. Exactech, Inc., et al.	151155/2023	Supreme Court of the State of New York, County of New York
William Caldarera and Renee Caldarera v. Exactech, Inc., et al.	152376/2023	Supreme Court of the State of New York, County of New York
David Campbell v. Midway Medical Products, Inc., et al.	2023-L-000081	Circuit Court of Cook County, Illinois, Law Division
Nancy Collum-Bradford, et al. v. Exactech, Inc., et al.	STK-CV-UPI-2019-17097	Superior Court of the State of California, County of San Joaquin
Kenneth Cox v. Exactech, Inc., et al.	CIV SB 2224697	Superior Court of the State of California, County of San Bernardino
Teresa Johnson v. Midway Medical Products, Inc., et al.	2023-L-000089	Circuit Court of Cook County, Illinois, Law Division
Sharon A. Katz and Henry Katz v. Exactech, Inc., et al.	160888/2022	Supreme Court of the State of New York, County of New York
James Keegan and Patricia Keegan v. Exactech, Inc., et al.	152265/2023	Supreme Court of the State of New York, County of New York
Richard Kloepfer v. Midway Medical Products, Inc., et al.	2022-L-009897	Circuit Court of Cook County, Illinois, Law Division
Daniel R. Kolzow v. Midway Medical Products, Inc., et al.	2022-L-008227	Circuit Court of Cook County, Illinois, Law Division
Richard Kostyra and Lorraine Antoniello v. Exactech, Inc., et al.	151170/2023	Supreme Court of the State of New York, County of New York
Valerie Lawson v. Midway Medical Products, Inc., et al.	2023-L-000096	Circuit Court of Cook County, Illinois, Law Division

Bruce R. Matuszak v. Midway Medical Products, Inc., et al.	2023-L-000095	Circuit Court of Cook County, Illinois, Law Division
Marilyn Nowak v. Castle Stuart Medical, LLC, et al.	2022-L-010093	Circuit Court of Cook County, Illinois, Law Division
Theresa M. Pagnotta, et al. v. Exactech, Inc., et al.	152798/2022	Supreme Court of the State of New York, County of New York
Joyce Schiavone v. Exactech, Inc., et al.	151247/2023	Supreme Court of the State of New York, County of New York
Victor Sohn and Tena Sohn v. Joint Health LLC d/b/a Motion Orthopaedics, et al.	22SL-CC01430	Circuit Court of St. Louis County, Missouri
Barry Werner and Susan D. Werner v. Exactech, Inc., et al.	C-22-cv-23-000112	Circuit Court for Wicomico County, Maryland

EXHIBIT B

TIMOTHY M. O'BRIEN
LEVIN, PAPANTONIO, RAFFERTY,
PROCTOR, BUCHANAN, O'BRIEN,
BARR & MOUGEY, P.A.

Timothy O'Brien received his B.A. with High Distinction from the University of Virginia in 1992. After graduating with Honors from the University of Florida Fredric G. Levin College of Law with Honors in 1995, Mr. O'Brien worked for two years as a law clerk for the Honorable William T. Moore, Jr., United States District Judge for the Southern District of Georgia. Mr. O'Brien then entered private practice at Oliver Maner & Gray, LLP, in Savannah, Georgia where he concentrated his practice in the area of federal civil litigation. In 2000, Mr. O'Brien was recruited by and joined the law firm of what is now known as Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr & Mougey, P.A. ("Levin · Papantonio · Rafferty"), of which he now is an equity senior Shareholder.

Mr. O'Brien is a board-certified civil trial attorney who concentrates his practice in the areas of product liability, personal injury, wrongful death, business torts and mass tort litigation. Mr. O'Brien is rated "A-V Preeminent" by the prestigious Martindale-Hubbell lawyer peer-rating service. Mr. O'Brien currently is serving as Co-Lead Counsel for the Plaintiffs Steering Committee in *In re Bard/Davol Polypropylene Hernia Mesh Products Liability Litigation*, MDL No. 2846 (S.D. Ohio) and on the Plaintiffs Executive Committee for three MCLs in New Jersey Superior Court concerning Ethicon polypropylene hernia mesh products. In 2020, District Judge Brian Martinotti appointed Mr. O'Brien to serve as the Discovery Chair for the Plaintiffs Executive Committee in *In re Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation*, MDL No. 2973. Mr. O'Brien previously served as a member of the Plaintiffs' Executive Committee in *In re Invokana (Canagliflozin) Products Liability Litigation*, MDL No. 2750 (D.N.J.), where he oversaw

the master discovery and as Lead Counsel for the Plaintiffs Steering Committee *In re: Fosamax Products Liability Litigation*, MDL No. 1789 (S.D.N.Y.). In 2016 and 2017, he served as bellwether trial co-counsel for the first two trial plaintiffs in *In re: E.I. DuPont de Nemours and Co. C-8 Personal Injury Litigation*, MDL No. MDL No. 2433, and was lead trial counsel for the fourth and last bellwether trial case in that MDL during which the MDL's \$670 million settlement was secured shortly before closing arguments.

Previously, Mr. O'Brien served as Discovery Co-Chair of the Plaintiffs Steering Committee in *In re: Yasmin and Yaz (Drospirenone) Products Liability Litigation*, MDL No. 2100 (S.D. Ill.), as Plaintiffs' Co-Lead Counsel in *In re: Cisco Systems Securities Litigation*, MDL No. 1527 (N.D. Cal.), as Discovery Co-Chair in *In re: Accutane Products Liability Litigation*, MDL No. 1626 (M.D. Fla.), as Discovery Co-Chair in *In re: Medtronic, Inc., Implantable Defibrillators Product Liability Litigation*, MDL No. 1726 (D. Minn.), as a member of the Plaintiffs Steering Committee in *In re: Guidant Corp. Implantable Defibrillators Product Liability Litigation*, MDL No. 1708 (D. Minn.), and served on the discovery committee of *In re: Phenylpropanolamine ("PPA") Products Liability Litigation*, MDL No. 1407 (W.D. Wash.)

Mr. O'Brien's law firm was founded in 1955, and began focusing in mass torts plaintiffs' personal injury law in the late 1980s. Since that time, Levin · Papantonio · Rafferty has earned a reputation as one of the most successful personal injury law firms in the nation, accumulating jury verdicts and settlements exceeding \$5 billion. The firm owns the national seminar company, Mass Torts Made Perfect, which hosts two major conferences each year averaging more than 750 attendees per conference. The firm currently employs more than 40 attorneys and more than 100 non-attorney staff. Rated A-V® by Martindale-Hubbell for more than fifteen years, Mr. O'Brien personally has tried more than 60 civil jury trials to verdict and received his Board Certification as a Civil Trial Specialist by the Florida Bar in 2010.



DAVID C. LANDEVER

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David C. Landever practices complex civil litigation with a particular interest in matters of medical, scientific and technical nature. Over the past 28 years, David has managed and participated in multiple federal and state trials to verdict on matters involving medical devices, pharmaceutical drugs, occupational/environmental exposures, insurance and consumer fraud. David has successfully argued before the Ohio Supreme Court; he has presented evidence in several MDL Daubert proceedings, and has participated in the drafting of several national mass tort settlements.

David graduated with honors from the Case Western Reserve University School of Law where he received numerous awards for academic distinction and for his presentation of research on the use of epidemiological and other scientific evidence in the courtroom.

PRACTICE AREAS

- Product Liability and Toxic Tort / Environmental Litigation
- Class Actions and Complex Litigation
- Commercial Litigation
- Insurance Coverage and Bad Faith

NOTABLE REPRESENTATIONS

- MDL participation on Bellwether, Science, Expert, Discovery, Trial and Settlement Committees.
- Drafter of several national mass tort settlements (on behalf of Plaintiffs): In re: Sulzer Orthopedics Hip Prosthesis and Knee Prosthesis Litigation; In re: Depuy Orthopedics, Inc., ASR Hip Implant Products Liability Litigation; and In re: Stryker Rejuvenate / ABGII Hip Implant Litigation.
- Trial counsel on behalf of a consortium of welding manufacturers in 7 bellwether jury trials brought on behalf of 12 plaintiffs in both federal multi-district-litigation and Louisiana state court.

EDUCATION

- Case Western Reserve University School of Law, J.D., with distinction, 1995
- Miami University, B.A., with distinction, 1992

EXPERIENCE

- Weisman, Kennedy & Berris, Co., L.P.A.
- Barrasso Usdin Kupperman Freeman & Sarver, L.L.C.
- Weisman, Kennedy & Berris, Co., L.P.A.

HONORS & AWARDS

- *The Best Lawyers in America*, 2021, 2022, 2023

BAR ADMISSIONS

- Ohio
- Texas

EXHIBIT C

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IN RE: EXACTECH POLYETHYLENE ORTHOPEDIC PRODUCTS LIABILITY LITIGATION	MDL No. 3044 Case No. 22-md-3044 (NGG) (MMH)
THIS DOCUMENT APPLIES TO: ALL CASES	CASE MANAGEMENT ORDER NO. X

On December 12, 2022, the Court entered a docket text order granting Plaintiffs' Motion (Dkt. #46) to appoint leadership counsel to act on behalf of the Plaintiffs in the Exactech Polyethylene Orthopedic Products Liability Litigation. The responsibilities of Plaintiffs' Leadership is outlined in Plaintiffs' Motion (Dkt. #46). On March 7, 2023, the Court appointed Amanda Fernandez to the discovery committee. Since the formation of leadership, there has been a request to substitute two committee appointments for other attorneys within the same firm which is acceptable to the Court and to the Plaintiffs Executive Committee. Thus, the Court hereby reaffirms its original docket text of December 12, 2022 but modifies it by substituting attorneys as noted below. For clarity, the following attorneys are appointed as leadership counsel for the Plaintiffs.

I. Executive Committee

1. Kirk Pope – Co-Lead Counsel
2. Ellen Relkin – Co-Lead Counsel
3. David Landever substituting for Robert E. (Eric) Kennedy (both from the firm Weisman Kennedy)

4. Carasuana B. Wall
5. Calvin Warriner

II. Liaison Counsel – Rayna Kessler

III. Federal/State Liaison Counsel– Joseph Saunders

IV. Plaintiffs’ Steering Committee Members:

1. Mark P. Chalos
2. Michael P. Cutler
3. Maria Fleming
4. Arati Chauhan Furness
5. Jason Goldstein
6. David Harman
7. Kristine K. Kraft
8. Hadley Lundback
9. Ben C. Martin
10. Tim O’Brien of the firm Levin Papantonio (substituting for Daniel A. Nigh who has resigned from Levin Papantonio)
11. Justin Presnal
12. Patrick J. Wigle

V. Subcommittee Members (Law and Briefing, Science and Experts, Discovery, Bellwether):

1. Cameron J. Falcon
2. Kevin M. Fitzgerald
3. Danielle Gold
4. George E. McLaughlin
5. Courtney L. Mohammadi
6. Joannah Oh
7. Craig M. Silverman
8. Ilana S. Wolk
9. Amanda Fernandez

IT IS SO ORDERED

JUDGE NICHOLAS G. GARAUFIS
U.S. DISTRICT JUDGE