UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: STRYKER LFIT V40 FEMORAL HEAD PRODUCTS LIABILITY LITIGATION	*	
	*	MDL No. 17-md-2768-IT
This Document Relates To:	*	
All Cases	*	

Case Management Order No. 1
August 8, 2017

TALWANI, D.J.

The court adopts the Proposed Case Management Order No. 1 [17-md-2768, #208], as modified herein.

1. Applicability of This Order

This order applies to all cases previously or hereafter transferred to this MDL, Docket No. 2768 ("MDL No. 2768"), or those which are directly filed in this MDL proceeding. Plaintiffs' Administrative Counsel shall promptly notify all counsel of record for Plaintiffs of this order, and in particular, the deadlines for preliminary disclosure of the Case Questionnaire.

2. Consolidation

The cases are consolidated for pretrial purposes only. Any "tag-along" actions later filed in, removed to, or transferred to this court, or directly filed in the District of Massachusetts, will automatically be consolidated with this action without necessity of future motions or orders, provided that the party filing any action in the District of Massachusetts indicates on the civil cover sheet that the action is a "Related Action" to the MDL proceedings. This consolidation, however, does not constitute a determination that the cases should be consolidated for trial, nor

does it have the effect of making any person or entity a party to any action in which he, she, or it has not been named, served, or added in accordance with the Federal Rules of Civil Procedure.

3. Service List

Plaintiffs' Administrative Counsel, Ashleigh Raso, and Defendants' Counsel, Nicholas Deutsch, shall be responsible for establishing a Master Service List, which shall include all parties and counsel that may join this action, and for conferring with this session's Docket Clerk to ensure that the Master Service List is kept current.

4. Privileges Preserved

No communication among Plaintiffs' Counsel, or among Defendants' Counsel, shall be taken as a waiver of any privilege or protection to which such communication would otherwise be entitled.

5. Pleadings and Non-Discovery Motions

a. *Direct Filing of Complaints and Procedures for Master Pleadings* – the parties are continuing to meet and confer regarding the direct filing of complaints and procedures for Master Pleadings. The parties will prepare proposed orders setting forth these procedures and submit them to the court. If the parties are unable to reach an agreement by August 11, 2017, the parties shall separately submit their proposed orders with briefing in support thereof on or before August 25, 2017.

b. *Pending Motions and Transferor Court Scheduling Orders* – case management or scheduling orders issued by a transferor court prior to the transfer of a case to MDL No. 2768 are vacated. All pending motions filed in transferor courts that are not re-filed in this MDL are terminated.

c. *Preliminary Disclosures*

i. Each Plaintiff will complete the Case Questionnaire attached as Exhibit A. The completed Case Questionnaires will be served by Plaintiffs' counsel of record within thirty (30) days after the date of this order, or within thirty (30) days of the direct filing of a case in, or the transfer of a complaint to, this MDL. The Case Questionnaire will be served on Co-Lead Counsel and Defendants' counsel, with a copy to StrykerV40MDL@shb.com.

ii. Defendant will, within forty-five (45) days of the date of a Case Questionnaire by Plaintiff, disclose whether Defendant is in possession of any explanted device, blood, or tissue from revision surgeries identified in the Case Questionnaire. In the event that the information provided in any Plaintiff's Case Questionnaire is insufficient to enable Defendant to disclose the information required under this section, counsel for Defendant will meet and confer with counsel for Plaintiff and Co-Lead Counsel in advance of the deadline for Defendant's disclosure under this section. Defendant's disclosure will be in writing and served on counsel for each Plaintiff who has completed and served a Case Questionnaire which discloses that revision surgery was performed on the Plaintiff who completed the Case Questionnaire. The disclosures shall also be served on Co-Lead Counsel.

iii. The applicability of Initial Disclosure obligations pursuant to Federal Rule of Civil Procedure 26(a)(1)(A) will be determined at the next status conference on September 28, 2017. In advance of that status conference, the parties will meet and confer regarding whether any preliminary disclosures, in addition to those outlined in Paragraph 5(c)(i) and (ii), are warranted.

d. *Confidentiality, Electronically Stored Information, and Plaintiffs' and Defendants' Fact Sheets* – the parties shall complete meeting and conferring regarding a Stipulated Protective Order, an Order Governing Electronically Stored Information, and Plaintiffs' and Defendant's Fact Sheets. The parties will prepare proposed orders and submit them to the court. If the parties

are unable to reach an agreement on a Stipulated Protective Order by August 11, 2017, the parties shall separately submit their proposed orders with briefing in support thereof on or before August 25, 2017. If the parties are unable to reach an agreement on an Order Governing Electronically Stored Information or Plaintiffs' and Defendant's Fact Sheets, the parties shall separately submit their proposals with briefing in support thereof on or before September 15, 2017.

6. Discovery

a. *Written Discovery Requests* – in the corresponding New Jersey Multi-County Litigation ("MCL") before the Honorable Rachelle L. Harz in the Superior Court of New Jersey, Plaintiffs served a set of general written discovery requests on Defendant. Such requests are now deemed served in the above-captioned action. Defendant's time to respond to such requests will be set at the next status conference.

b. *Rule 26(f) Proposal* – the parties shall meet and confer regarding a Rule 26(f) proposal setting forth the parties' proposed overall plan for completion of all pre-trial matters. Such proposal shall be submitted at least one week in advance of the next status conference.

7. Upcoming Status Conferences

The next status conference shall be held on September 28, 2017, at 11:00 A.M. Status conferences thereafter shall presumptively be set for the last Thursday of every month at 11:00 A.M., subject to the parties' and the court's schedule. The parties shall file an agenda for the upcoming status conference, and each further status conference, at least one week prior to the status conference.

IT IS SO ORDERED.

Date: August 8, 2017

/s/ Indira Talwani
United States District Judge

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: STRYKER LFIT V40 FEMORAL HEAD PRODUCTS LIABILITY LITIGATION	*	MDL No. 17-md-2768-IT
This Document Relates To:	*	
[the separate caption and civil action number for the individual District of Massachusetts case]	*	

CASE QUESTIONNAIRE

Instructions: Please provide thorough and complete responses to the questionnaire. When providing names and addresses, provide the full name and full address, including street number, street name, city, state and zip code. **It is critical that all requested documents are attached**. The completed Case Questionnaire shall be served on Counsel for the Defendant but **SHALL NOT** be filed with the Court.

GENERAL CASE INFORMATION	
SECTION I	
Plaintiff's Attorney & Contact Information:	
Plaintiff's Name(s):	
Plaintiff's Address:	
Plaintiff's Date of Birth:	
IMPLANT SURGERY INFORMATION	
SECTION II	
Identify Side of Body Where Product at Issue Implanted:	Right ☐ Left ☐ Both ☐ (check one) (Fill out the information below for each implant surgery. Add additional sheets as needed.)
Right Side Implantation Surgery	
Identify All Products Implanted:	
Serial Code/Catalog No./Lot No. of Implanted Products:	
Date of Implant:	
Name and Address of Implanting Surgeon:	

Name and Address of Hospital or Clinic Where Implant Surgery Performed:	
Left Side Implantation Surgery	
Identify All Products Implanted:	
Serial Code/Catalog No./Lot No. of Implanted Products:	
Date of Implant:	
Name and Address of Implanting Surgeon:	
Name and Address of Hospital or Clinic Where Implant Surgery Performed:	
REVISION SURGERY INFORMATION	
SECTION III	
Have You Had a Revision Surgery?:	Yes ☐ No ☐ (If Yes, fill out information below)
Side of Body:	Right ☐ Left ☐ Both ☐ (check one) (Fill out the information below for each revision surgery. Add additional sheets as needed.)
Right Side Revision Surgery	
Date of Revision:	
Identify the pre-op and post-op diagnoses:	
Name and Address of Revision Surgeon:	
Name and Address of Hospital or Clinic Where Revision Performed:	
Manufacturers and Sizes of Replacement Device(s):	
Are You in Possession of the Explant(s) or Do You Know of the Present Location?	Yes ☐ No ☐
Location of Explant(s):	

Left Side Revision Surgery	
Date of Revision:	
Identify the pre-op and post-op diagnoses:	
Name and Address of Revision Surgeon:	
Name and Address of Hospital or Clinic Where Revision Performed:	
Manufacturers and Sizes of Replacement Device(s):	
Are You in Possession of the Explant(s) or Do You Know of the Present Location?	Yes ☐ No ☐
Location of Explant(s):	

ADDITIONAL MEDICAL INFORMATION			
SECTION IV			
Imaging Study(ies) Conducted? (e.g. MRI, CT, Ultrasound, etc.)	Yes ☐ No ☐	If yes, identify where conducted:	
		If yes, list which reports are available:	
Blood Testing Conducted?	Yes ☐ No ☐	If yes, identify where conducted:	
		If yes, list which reports are available:	
Pathology Studies Conducted?	Yes ☐ No ☐	If yes, identify where conducted:	
		If yes, list which reports are available:	

DOCUMENTS TO BE ATTACHED

SECTION V

1. Attach records establishing the product identification and pages with manufacturer/product stickers for every product implanted;
2. Attach the implant operative report(s);
3. Attach the revision operative report(s);
4. Attach reports of imaging studies; and
5. Attach pathology and metal ion level reports.