

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: STRYKER LFIT V40 FEMORAL
HEAD PRODUCTS LIABILITY LITIGATION**

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MDL No. 17-md-2768-IT

This Document Relates To:

All Cases

**CASE MANAGEMENT ORDER NO. 9
(Directing Compliance with Case Management Order No. 8 and
Resetting February 24, 2021 Case Management Conference)
February 19, 2021**

TALWANI, D.J.

In anticipation of the February 24, 2021 Case Management Conference, the court ordered, inter alia, all individual plaintiffs’ attorneys to review all open cases where they are counsel of record and ensure that: (1) counsel have met their ongoing “reasonable inquiry” obligations and their duties to disclose and supplement under Federal Rule of Civil Procedure 26(e)(1) and the court’s prior orders; and (2) that they have fully completed and supplemented as needed all plaintiffs’ Fact Sheets following a diligent and reasonable inquiry as to the facts stated therein, in accordance with their obligation to supplement Plaintiff’s Fact Sheets and to provide complete, correct, and any additional information. Case Management Order No. 8 [#1382]. In addition, individual plaintiffs’ attorneys were ordered to confer with members of the Plaintiffs’ Executive Committee regarding their individual cases. Id. The court also directed Plaintiffs’ lead counsel and counsel for Defendants to file a joint status report in advance of the February Case Management Conference.

On February 17, 2021, Plaintiffs’ lead counsel and Defendant’s counsel filed the required Joint Status Report [#1408]. They report that there remain a number of individual cases where

individual plaintiffs' attorneys have failed to respond to lead counsel's inquiries, or have failed to comply with the requirements of Case Management Order No. 8 and that Plaintiffs' lead counsel and Defendant's counsel are still working to obtain compliance with the court's order.

In light of the Joint Status Report, the following is ORDERED:

1. All individual plaintiffs' attorneys are ORDERED to comply with Case Management Order No. 8 by no later than March 5, 2021, or face dismissal of their clients' individual actions *with prejudice*.
2. No later than March 12, 2021, Plaintiffs' lead counsel shall provide the court a list of cases where plaintiffs' individual counsel have either failed to confer as required or have failed to serve completed Fact Sheets.
3. The February 24, 2021 Case Management Conference is reset for March 24, 2021, at 11 A.M. Lead Counsel and counsel for Defendant shall confer and file a joint status report in advance of the March Case Management Conference.

This Order applies in all open cases previously or hereafter transferred to this MDL, and in all open cases previously or hereafter directly filed in this District for consolidation with this MDL (the "open cases"). All counsel of record in open cases who have complied with Case Management Order No. 7 [#1246] and have filed a Notice of MDL Appearance shall receive a copy of this Order directly through CM/ECF. Nonetheless, to avoid any potential lack of notice, Plaintiffs' lead counsel shall promptly notify all individual Plaintiffs' counsel in all open cases of this Order.

IT IS SO ORDERED.

Date: February 19, 2020

/s/ Indira Talwani
United States District Judge