

**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

AMENDED CASE MANAGEMENT ORDER NO. #3

APPLICABILITY OF THIS ORDER

The court issues the following amended scheduling order pursuant to Federal Rule of Civil Procedure 16(b) and based on the Parties' Joint Motion for Extension of Certain Deadlines Set Forth in Case Management Order No. 3 and Second Amended Case Management Order No. 4 [#795] to apply to all cases previously or hereafter transferred to, or directly filed in this District and coordinated in, MDL Docket No. 2768 ("MDL No. 2768").

I. Case Questionnaires and Disclosures

Case Management Order No. 1 [#216] sets forth the procedures and deadlines governing (i) the serving of Case Questionnaires by Plaintiffs, and (ii) the disclosures required by Defendant Howmedica Osteonics Corp. in response to the receipt of a completed Case Questionnaire.

II. Submission of Master and Short Form Pleadings

Amended Case Management Order No. 2 [#307] sets forth the schedule and procedures for direct filing of complaints, master pleadings, and short form complaints.

III. Fact Depositions

The protocols and procedures governing depositions are outlined in the Corrected Case Management Order No. 5 [#622].

IV. Completion of Fact Discovery

Defendant shall complete document production by August 30, 2018. The Parties shall complete fact discovery by February 1, 2019.

V. Expert Discovery

A. All expert discovery—including general causation, general liability, and case-specific expert discovery—shall be completed by June 17, 2019.

B. Designations of Experts.

1. Plaintiffs shall designate their general causation and general liability experts and produce expert reports on or before February 1, 2019.

2. The bellwether plaintiffs selected for trial pursuant to the processes set forth in the forthcoming Bellwether case management order shall designate their specific-causation experts and produce expert reports on or before March 4, 2019.

3. Defendant shall designate its general causation and general liability experts and produce expert reports on or before March 11, 2019.

4. Defendant shall designate its specific-causation experts for the bellwether cases selected for trial and produce expert reports on or before April 8, 2019.

C. Depositions of Experts.

1. Depositions of Plaintiffs' experts may commence on February 1, 2019.

2. Depositions of Defendant's experts may commence after the completion of depositions of Plaintiffs' experts.

D. Production and Discoverability of Expert Materials. No party will seek discovery of any experts' notes, drafts of expert reports, or communications with counsel; provided, however, that counsel may inquire at deposition about any facts provided to the expert by

counsel and upon which such expert is relying in expressing the expert's opinions.

VI. Motions Practice

A. Daubert motions on general causation, general liability, and case-specific experts for the bellwether trial plaintiffs must be filed no later than July 15, 2019.

Oppositions to such motions must be filed by August 5, 2019. No further briefing on Daubert motions shall be permitted absent leave of court.

B. Summary Judgment motions shall be filed no later than September 23, 2019. Oppositions to such motions must be filed by October 14, 2019, and reply briefs must be filed by November 5, 2019.

VII. Bellwether Pre-trial Conferences, Orders and Trial

A. The October 2019 Case Management Conference will serve as the initial Pretrial Conference. The parties shall provide an informed estimate of the probable length of trial, based on a trial schedule of 9:00 a.m. to 1:00 p.m.

B. The parties shall make and file all pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3)(A)(i) and (iii) by no later than December 2, 2019.

C. The parties shall submit motions *in limine* no later than December 9, 2019.

D. The parties shall make and file all pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3)(A)(ii) by no later than December 12, 2019. As to all witnesses designated pursuant to Federal Rule of Civil Procedure 26(a)(3)(A)(ii), the disclosure shall include identification by inclusive page and lines of any portions of deposition transcripts to be offered at trial other than solely for impeachment.

E. The parties shall submit all oppositions to motions *in limine* no later than December 23, 2019. No further briefing on *in limine* motions shall be permitted absent leave of

court.

F. All counter-designations, include identification by inclusive page and lines of any portions of deposition transcripts to be offered at trial other than solely for impeachment, and all objections under Federal Rule of Civil Procedure 26(a)(3)(B) shall be made no later than January 6, 2020.

G. All objections to counter-deposition designations shall be filed no later than January 13, 2020.

H. Proposed jury instructions with citations to authority shall be filed no later than January 13, 2020.

I. A final pretrial conference will be held on January 20, 2020.

J. The first bellwether trial will commence on January 27, 2020.

SO ORDERED this 7th day of August, 2018.

/s/ Indira Talwani

UNITED STATES DISTRICT JUDGE