

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

| | | |
|--|---|----------------------------|
| IN RE: INTER-OP HIP PROSTHESIS LIABILITY LITIGATION | : | MDL Docket No. 1401 |
| | : | |
| | : | JUDGE O'MALLEY |
| | : | |
| | : | ORDER |
| | : | |

At an August 17, 2001 case management conference, the Court heard the parties' initial argument regarding the propriety of class certification, as well as their initial explanation of the terms of a proposed settlement agreement. At that time, the Court stated it would allow counsel for any interested entity to submit comments, positive or negative, regarding the proposed agreement.

Despite the Court's statement that it would accept and review such comments regardless of whether the commenting entity was a party to any case connected to this MDL proceeding, some entities filed motions to intervene solely for the limited purpose of submitting their comments. Because intervention for this limited purpose is unnecessary, the Court hereby denies those motions. Accordingly, the following motions to intervene are **DENIED AS MOOT**: docket nos. 31, 33, 34, 41, 44, & 48. All comments received, in whatever form, have been accepted and reviewed by the Court and will be considered in connection with any judgments rendered in this matter. All such comments will also remain in the Court's file for future reference.

The Court did receive one "substantive" motion to intervene by Aetna, Inc. and Cobalt

Corporation (docket no. 29), in which these entities “move for mandatory and permissive intervention for the purpose of protecting and prosecuting their direct and subrogated third party payer claims against defendants.” This motion remains pending, as the time for responding to that motion has not yet expired.

IT IS SO ORDERED.

s/Kathleen M. O’Malley
KATHLEEN McDONALD O’MALLEY
UNITED STATES DISTRICT JUDGE