

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

)	Case No. 1:10-md-2197
)	
)	MDL No. 2197
IN RE: DePUY ORTHOPAEDICS, INC.)	
ASR HIP IMPANT)	
PRODUCTS LIABILITY LITIGATION)	Judge David A. Katz
)	
_____)	

-----X
THIS DOCUMENT APPLIES TO ALL CASES:
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**STIPULATION BY INTERLINEATION TO AMENDED CASE MANAGEMENT
ORDER NO. 13**

**(ESTABLISHING DePUY ORTHOPAEDICS, INC. ASR HIP IMPLANT FEE AND
EXPENSE FUNDS TO COMPENSATE AND REIMBURSE ATTORNEYS FOR
SERVICES PERFORMED AND EXPENSES INCURRED FOR MDL
ADMINISTRATION AND THE COMMON BENEFIT)**

I. Scope of the Order

This Order is an interlineation solely to Section II.B.2.a of Amended Case Management Order No. 13 and is entered to provide clarification of the terms and provisions specifically related to the execution of a Participation Agreement and the timing of such execution. Counsel in MDL No. 2197 stipulated to the interlineation. This Order shall apply to all cases currently pending in MDL No. 2197, all future actions transferred to MDL No. 2197, all future actions direct filed in MDL No. 2197, and to any Participating Counsel as defined in Amended Case Management Order No. 13.

II. Late Participation Pursuant to Amended Case Management Order No. 13

Amended Case Management Order No. 13 provides for the voluntary execution of a Participation Agreement by any lawyer or law firm with cases in separate and independent jurisdictions. Section

II.B.2.a as set out in Amended Case Management Order No. 13 provides for an increased assessment for the execution of a Participation Agreement following certain conditional events and pre-determined time limitations. This stipulation by interlineation to Amended Case Management Order No. 13 is intended to provide further clarification of timing of the application of the late participation.

Interlineation to Section II.B.2.a, Late Participation, on page 5 of Amended Case Management Order No. 13 is hereby made as follows:

a. Late Participation. For any counsel who enters in to the Participation Agreement after sixty (60) days of the entry of the original Order or ninety (90) days of their first case being docketed in any jurisdiction or thirty (30) days from the entry of a dispositive order on the remand petition (whichever is later), the assessment shall be six percent (6%, with 5% being allocated for fees and 1% for expenses). Under appropriate circumstances and within the discretion of the PEC, the PEC can waive the late participation fee.

The amendment to Case Management Order No. 13 previously entered does not alter the time limits set out in Section II.B.2.a of CMO 13. The sixty (60) day and ninety (90) day time limits are to be calculated from the date Case Management Order No. 13 was originally entered.

IT IS SO ORDERED.

Dated: January 17, 2012
Honorable
United

s/ David A. Katz

David A. Katz
States District Judge