

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

IN RE: DePUY ORTHOPAEDICS, INC
ASR HIP IMPLANT PRODUCTS

MDL Docket No. 1:10 md 2197

This Document Relates To:

CASE MANAGEMENT ORDER NO. 14

ALL CASES.

The Court conducted a Case Management Conference on July 25, 2012, at which time the parties advised the Court that the following Bellwether Case Selection Protocol has been agreed upon, and the Court orders as follows:

1. Counsel for Plaintiffs and Defendants shall each select four ASR revision cases as bellwether trial candidates for trial by Judge Katz. These bellwether trial candidates shall be selected and the case names exchanged on or before **August 8, 2012**. Bellwether trial candidate cases shall be selected only from those MDL cases involving a revision surgery where a PFS, signed medical authorization, and medical records required by the PFS have been served upon Defendants on or before April 30, 2012. No cases involving bilateral revisions will be selected as bellwether candidates.

2. The parties will have until **November 1, 2012** to conduct the following discovery of the bellwether trial candidate cases:

- (1) The deposition of the Plaintiff;
- (2) The deposition of the implanting surgeon;
- (3) The deposition of the explanting surgeon;
- (4) The deposition of one fact witness per side as necessary to determine whether the case should be designated as a bellwether trial candidate case.

3. By **December 1, 2012**, the parties shall prepare and file submissions with the Court as to which of the eight bellwether trial candidate cases should be designated as a case to be tried in a bellwether trial. The parties are directed in their submissions to explain the case facts and characteristics supporting the designation of the case as a bellwether trial case. The Court encourages the parties to agree upon the cases to be designated as bellwether trial cases.

4. If the parties do not agree upon the cases to be designated as a primary and a backup bellwether trial case on or before **December 15, 2012**, the Court will pick a primary case and a backup case for the bellwether trial to be commenced on **May 6, 2013**, and a primary case and a backup case for the bellwether trial to be commenced on **July 8, 2013**. Once designated as a bellwether trial case for either May 6, 2013 or July 8, 2013, Plaintiff may not dismiss the case except with prejudice.

5. For the **May 6, 2013** bellwether trial, the parties will complete all remaining discovery, including expert discovery, by **April 15, 2013**. Plaintiff shall identify all experts and provide Rule 26 reports on or before **February 1, 2013**. Proposed dates for the depositions of all experts shall be provided with the expert reports. Defendants shall identify all experts and provide Rule 26 reports, on or before **March 15, 2013**. Proposed dates for the depositions of all experts shall be provided with the expert reports.

6. For the **July 8, 2013** bellwether trial, the parties will complete all remaining discovery, including expert discovery by **June 1, 2013**. Plaintiff shall identify all experts and provide Rule 26 reports on or before March 1, 2013. Proposed dates for the depositions of all experts shall be provided with the expert reports. Defendants shall identify all experts, and provide Rule 26 reports on or before **April 15, 2013**. Proposed dates for the depositions of all experts shall be provided with the expert reports.

7. The Court will issue a subsequent trial order setting forth the preparation of a final pretrial order, identification of fact and expert witnesses, exchange of exhibits and deposition designations and the filing of evidentiary motions.

IT IS SO ORDERED.

S/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE