

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: HUMAN TISSUE PRODUCTS
LIABILITY LITIGATION**

This Document Relates to:

All actions

Civil No. 06-135 (WJM)

MDL No. 1763

ORDER TO SHOW CAUSE

HON. WILLIAM J. MARTINI

Upon consideration of the successful settlement agreement achieved to date by co-MDL Plaintiffs' counsel and counsel for Defendants, and the acceptance of such by more than 300 individual recipient Plaintiffs in this MDL litigation and considering the significant efforts expended by all parties to reach a global settlement of the recipient cases and it appearing that personal notice and an opportunity to respond to those settlement offers was given to each recipient Plaintiff or their counsel, and it appearing that the following Plaintiffs have not responded to such offers to settle:

Plaintiff	Case Number
Timothy Crass	07-cv-1428
David Elowe	07-cv-1172
Deborah Frazier	06-cv-5668
Lisa Myers	06-cv-5659

and for good cause appearing,

IT IS on this 20th day of July 2010, hereby

ORDERED that Plaintiffs Crass, Elowe, Frazier, and Myers and their Tennessee counsel shall appear before this Court on August 4, 2010 at 9:30 a.m. to show cause:

(1) why they have failed to respond to the offers of settlement in their respective cases; and,

(2) why they should not be required to undertake the responsibilities of Plaintiffs' Co-Lead Counsel, Medical Monitoring Counsel, Plaintiffs' Co-Liaison Counsel, and the Executive Committee as to their individual cases, including but not limited to:

- A. prosecution of the Third Circuit Appeal, permitting current Co-Lead and Co-Liaison counsel to withdraw their appearances and papers and requiring the individual counsel of these non-settling plaintiffs to prepare and file their appearance and appeal papers in the Third Circuit;
- B. convening meetings of counsel;
- C. initiating, responding to, scheduling, briefing, and arguing of all motions;
- D. determining the scope, order, and conduct of all discovery proceedings including the preparation of interrogatories and requests for production of documents, examination of witnesses at depositions, and responsibility for management of a depository for electronic discovery exchanged thus far through litigation;
- E. conducting settlement negotiations with defendants for their respective cases;
- F. retaining experts;
- G. receiving orders from the court and documents from opposing parties and counsel;
- H. determining the position of their individual plaintiffs on all matters during pretrial proceedings and presenting them to the court when appropriate;
- I. attending all court conferences;

- J. electronically filing papers;
- K. managing all other matters concerning the prosecution and resolutions of their individual cases up to and including trial; and
- L. taking responsibility for the payment of all expenses associated with the foregoing, including but not limited to court reporters, experts, and document depository operating costs.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.