

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

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

The Court held a pretrial conference on August 17, 2001, at which time the Court issued several rulings from the bench. This Order documents those rulings, and also addresses related matters. For the reasons stated on the record at the conference:

the oral motion to withdraw without prejudice the pending motion for an Order enjoining related litigation (docket no. 11, 13) is **GRANTED**.

The Court earlier adopted the "Proposed Order of Organizational Structure," appointing R. Eric Kennedy as liaison counsel and Stanley Chesley, R. Eric Kennedy, and John Climaco as co-lead counsel until August 17, 2001. See Order at 4 (July 6, 2001). The Court hereby makes permanent that Organizational. The Court adds that this Order addresses the organization of the MDL proceedings, and not the appointment of class counsel; the Court does not, by this Order, address the question of appointment of class counsel, which (together with the motion to add class counsel, docket no. 18) remains for a later date.

the Court will hold a further hearing on the motions for preliminary approval of class settlement and

for certification of a class (docket nos. 12, 13, 14) on August 28, 2001, at 10:00 a.m.

C persons wishing to offer objections or support for the proposed class and proposed class settlement agreement shall submit their positions in writing by August 24, 2001, at 4:00 p.m. The Court must receive these submissions by that date and time; persons may make their submissions by electronic filing, delivery, overnight mail, or fax (216-522-7855).

C This case is hereby ordered into Electronic Case Filing.

**IT IS SO ORDERED.**

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