

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS,	§	
INC. PINNACLE HIP IMPLANT	§	MDL Docket No.
PRODUCTS LIABILITY	§	
LITIGATION	§	3:11-MD-2244-K
	§	
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This Document Relates to all Cases	§	
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CASE MANAGEMENT ORDER #1

Before the Court is a Motion Seeking Entry of Proposed Case Management Order No. 1 Establishing a Plaintiffs’ Oversight Committee and a Plaintiffs’ Steering Committee (Doc. No. 8). The motion is **GRANTED in part** and **DENIED in part**. Portions of the proposed order are adopted below, as well as modifications by the Court.

1. Prior to the initial pretrial conference and an entry of a comprehensive Case Management Order governing all further pretrial proceedings in this case, the provisions of this Order shall govern the practice and procedure of those actions that are transferred to this Court by the Judicial Panel on Multidistrict Litigation, pursuant to its Order of May 23, 2011 (Doc. No. 1). This Order shall also apply to any actions later filed in, removed to, or transferred to this Court (“tag-along actions”).
2. Civil actions listed in Schedule A, attached to this Order, and all tag-along actions are coordinated for pretrial purposes. This coordination, however, does not

constitute a determination that any action or actions should be consolidated for trial, nor does it have the effect of making any entity a party to any action in which that party has not been named, served, or added in accordance with the Federal Rules of Civil Procedure.

Initial Pretrial Conference

3. This litigation involves complex legal and logistical issues. Accordingly, the Court wishes to ensure that the full range of interests and views are adequately represented. Counsel are expected to familiarize themselves with the Manual for Complex Litigation Fourth (2010) (“the Manual”). The Manual provides helpful analyses and recommendations regarding the organization of complex cases such as this one, and the responsibilities and duties of counsel appointed to lead such actions.
4. The Court will entertain suggestions on the structure and composition of committees of attorneys representing the plaintiffs in these consolidated cases at the initial pretrial conference, including but not limited to the organizational structures listed in § 10.221 of the Manual. All attorneys representing plaintiffs in the cases listed in Schedule A or any tag-along actions, who wish to serve in leadership positions, in any capacity, shall submit their curriculum vitae to kinkeade_orders@txnd.uscourts.gov with the subject line “Attorney C.V. for Pinnacle Hip Implant MDL 2244” no later than twenty (20) days after the date

this Order is signed.

5. An initial pretrial conference is set for Tuesday, August 9, 2011 at 9:30 a.m. at 1100 Commerce Street, Room 1625, Dallas, Texas 75242. Counsel for Defendants and all attorneys seeking to serve in leadership roles representing Plaintiffs shall appear. Depending on the number of counsel in attendance, the Court may limit the speaking time for each attorney at that hearing.

Filing instructions

6. The Clerk of Court will maintain a master docket case file under the designation In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation, with the identification “MDL 2244.” When a pleading is intended to be applicable to all actions, this shall be indicated by the words “This Document Relates to All Cases,” as demonstrated by the caption of this Order. When a pleading is intended to apply to a specific case, it shall be filed in that specific case and not on the master docket.
7. The Court has issued a notice to all attorneys regarding electronic filing in MDL 2244. In an effort to increase the efficiency and convenience of case administration for litigants and the court, all counsel are required to enroll in the Electronic Case Filing (“CM/ECF”) System. Registration forms, procedures and assorted CM/ECF information can be found at <http://www.txnd.uscourts.gov/filing/ecf.html>.

8. All filings shall comply with the Northern District of Texas ECF Administrative Procedures Manual, and service through CM/ECF shall be deemed sufficient with no additional service required, with the exception of new complaints filed and subpoenas issued, which shall be served in accordance with the Federal Rules of Civil Procedure.
9. Counsel who appeared in a transferor court prior to the transfer of any case to this MDL need not enter an additional appearance before this Court.
10. Any attorney admitted to practice and in good standing of any United States District Court is admitted to practice in this litigation, pursuant to Rule 1.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation.
11. With the exception of cases directly filed in the Northern District of Texas, the requirements of Local Rules 83.7, 83.9, and 83.10 are waived.
12. Counsel are expected to familiarize themselves with prior court orders and proceedings as well as the Local Rules of the Northern District of Texas, located at the Court's website: www.txnd.uscourts.gov.

Cases directly filed in the Northern District of Texas

13. In order to eliminate delays associated with the transfer of cases in or removed to other federal district courts to this Court, and to promote judicial efficiency, any plaintiff whose case would be subject to transfer to MDL 2244 may file his or her case directly in the MDL proceedings in the Northern District of Texas.

14. In addition to the complaint, the plaintiff shall also file a separate Notice of Related case, pursuant to Local Rule 3.3(a), to insure that the case will be transferred to the undersigned in order to be considered a tag-along action in MDL 2244.
15. When an action that properly belongs as a part of the In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation is hereinafter filed in the Northern District of Texas or is transferred from another court, the Clerk of Court shall make an appropriate entry on the master docket sheet.
16. For cases filed directly in the Northern District of Texas, and venue properly lies in the Northern District of Texas, the parties shall comply with all admission, local counsel, and *pro hac vice* requirements.
17. Upon completion of all pretrial proceedings applicable to a case filed directly in the Northern District of Texas, this Court may transfer the case, pursuant to 28 U.S.C. § 1404, to a court of appropriate jurisdiction for trial, based on the recommendations of the parties to that case. The inclusion of any action in In re: DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation, MDL No. 2244, whether such action was or will be filed originally or directly in the Northern District of Texas, shall not constitute a determination by this Court that jurisdiction or venue is proper in this District.

Discovery

18. Pending the initial pretrial conference, all outstanding discovery and motion practice proceedings in the cases listed in Schedule A, and any tag-along actions over which this Court acquires jurisdiction, are stayed. No further discovery shall be initiated until further order of this Court.
19. Each party shall take reasonable steps to preserve documents and other records, including electronic documents, containing information potentially relevant to the subject matter of this litigation.
20. Unless otherwise ordered by the Court, initial disclosures, discovery, depositions, interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed with the Court, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

Communication with the Court and among the parties

21. Unless otherwise ordered by this Court, all substantive communications with the Court shall be in writing, with copies to liaison counsel, who shall be selected by the Court at a later date. The communication of information among and between Plaintiffs' counsel and between Defendants' counsel shall not be deemed to be a waiver of the attorney-client privilege or the protection afforded by the attorney work product privilege, and cooperative efforts among the parties shall not be used in any manner to contend that there has been a waiver of the attorney-client

or attorney work product privilege.

Attorneys' fees

22. The Court will retain the ultimate authority regarding the recovery of any Court-awarded attorneys' fees and costs in this litigation. Those attorneys requesting fees from the Court will be asked to sign an order that knowingly and expressly disclaims and waives any right or ability to assert the lack of enforceability of such order or to challenge its adequacy or enforceability before any Court, arbitrator, or mediator. The Court will discuss suggestions on a compensation scheme at the initial pretrial conference.

SO ORDERED.

Signed June 29th, 2011.



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UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS, §
INC. PINNACLE HIP IMPLANT § MDL Docket No.
PRODUCTS LIABILITY §
LITIGATION § 3:11-MD-2244-K

Schedule A - MDL 2244 Case List

Current as of: June 29, 2011, 5:22 p.m.

Northern District of Texas Case Number and Style	Date Filed	Transferor District/Division and Case Number
3:11-CV-0125-K; <i>Shirilla v. Johnson & Johnson Services, Inc.</i> ,	01/19/2011	Filed in ND-Texas Dallas Division.
3:11-CV-1162-K; <i>Prabhudial v. DePuy Orthopaedics, Inc.</i> ,	06/02/2011	NY - Northern; 1:11-CV-0398
3:11-CV-1176-K; <i>Purnia v. DePuy Orthopaedics, Inc.</i> ,	06/02/2011	CA- Central; 2:10-CV-9192
3:11-CV-1178-K; <i>Alexander v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	LA - Western; 3:11-CV-0545
3:11-CV-1179-K; <i>Britton v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	PA - Middle; 4:11-CV-0509
3:11-CV-1180-K; <i>Cashman v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	CA - Northern; 3:11-CV-1737
3:11-CV-1181-K; <i>Crittendon v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	CA - Northern; 4:11-CV-1750
3:11-CV-1182-K; <i>Wooten v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	CA - Northern; 4:11-CV-1787
3:11-CV-1183-K; <i>Toth v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	CA - Northern; 4:11-CV-1728

3:11-CV-1184-K; <i>Granoff v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	RI; 1:11-CV-0161
3:11-CV-1186-K; <i>Cornis v. DePuy Orthopaedics, Inc.</i> ,	06/02/2011	WA - Western; 2:10-CV-2000
3:11-CV-1189-K; <i>Gibney v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	FL - Southern; 2:11-CV-14128
3:11-CV-1191-K; <i>Falvey v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	CA - Central; 2:11-CV-2441
3:11-CV-1192-K; <i>Campbell v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	TN - Middle; 3:11-CV-0215
3:11-CV-1194-K; <i>Feddeman v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	FL - Southern; 9:11-CV-80048
3:11-CV-1195-K; <i>Davis v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	AL - Northern; 5:11-CV-1259
3:11-CV-1203-K; <i>Hubbard v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	NJ; 3:11-CV-2420
3:11-CV-1204-K; <i>Lyster v. DePuy Orthopaedics, Inc.</i> ,	06/03/2011	CA - Northern; 4:11-CV-1736
3:11-CV-1205-K; <i>Sillman v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	NJ; 3:11-CV-1945
3:11-CV-1206-K; <i>Graham v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	DC; 1:11-CV-0343
3:11-CV-1207-K; <i>Mendoza v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	CA -Southern; 3:11-CV-0581
3:11-CV-1212-K; <i>Laschinger v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	MN; 0:11-CV-1081
3:11-CV-1213-K; <i>Monroe v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	MN; 0:11-CV-1080
3:11-CV-1214-K; <i>Lowder v. DePuy Orthopaedics, Inc.</i> ,	06/06/2011	CA - Northern; 3:11-CV-1822

3:11-CV-1223-K; <i>Wenner v. DePuy Orthopaedics, Inc.</i> ,	06/07/2011	CA - Central; 2:10-CV-9191
3:11-CV-1224-K; <i>Humphrey v. DePuy Orthopaedics, Inc.</i> ,	06/07/2011	CA - Central; 2:11-CV-3176
3:11-CV-1226-K; <i>Humphrey v. DePuy Orthopaedics, Inc.</i> ,	06/07/2011	CA - Central; 2:11-CV-3356
3:11-CV-1231-K; <i>Thompson v. DePuy Orthopaedics, Inc.</i> ,	06/08/2011	CA - Central; 2:11-CV-3513
3:11-CV-1232-K; <i>Greenberg v. DePuy Orthopaedics, Inc.</i> ,	06/08/2011	CA - Central; 2:11-CV-2971
3:11-CV-1233-K; <i>Ronshausen v. DePuy Orthopaedics, Inc.</i> ,	06/08/2011	MO - Eastern; 4:11-CV-0577
3:11-CV-1245-K; <i>Hatcher v. DePuy Orthopaedics, Inc.</i> ,	06/09/2011	WV - Northern; 5:11-CV-0071
3:11-CV-1254-K; <i>Kramer v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	ILL - Northern; 1:10-CV-5034
3:11-CV-1260-K; <i>Zapf v. DePuy Orthopaedics, Inc.</i> ,	06/10/2011	CA - Central; 2:11-CV-3104
3:11-CV-1261-K; <i>Ponzini v. DePuy Orthopaedics, Inc.</i> ,	06/10/2011	CA - Central; 2:11-CV-3104
3:11-CV-1264-K; <i>Phelps v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	CA - Central; 2:11-CV-2884
3:11-CV-1265-K; <i>Gettings v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	CA - Central; 2:11-CV-3278
3:11-CV-1266-K; <i>Gross v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	CA - Central; 2:11-CV-3129
3:11-CV-1267-K; <i>Jones v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	ILL - Northern; 1:11-CV-1219
3:11-CV-1275-K; <i>Wood v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	NC - Eastern; 7:11-CV-0092

3:11-CV-1276-K; <i>Hutson v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	ILL - Northern; 1:11-CV-2939
3:11-CV-1277-K; <i>Resendez v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	ILL - Northern; 1:11-CV-2939
3:11-CV-1278-K; <i>Meo v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	CA - Northern; 4:11-CV-2350
3:11-CV-1279-K; <i>Summers v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	CA - Central; 2:11-CV-3926
3:11-CV-1281-K; <i>Jones v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	CA - Central; 2:11-CV-3081
3:11-CV-1282-K; <i>Elliott v. DePuy Orthopaedics, Inc.</i> ,	06/13/2011	CA - Northern; 5:11-CV-1740
3:11-CV-1287-K; <i>Kelly v. DePuy Orthopaedics, Inc.</i> ,	06/14/2011	LA - Eastern; 2:11-CV-1263
3:11-CV-1295-K; <i>Shupe v. DePuy Orthopaedics, Inc.</i> ,	06/14/2011	Filed in ND-Texas Dallas Division. Venue in ILL-SD
3:11-CV-1298-K; <i>Parker v. DePuy Orthopaedics, Inc.</i> ,	06/14/2011	LA - Eastern; 2:11-CV-1249
3:11-CV-1299-K; <i>Nunley v. DePuy Orthopaedics, Inc.</i> ,	06/14/2011	LA - Eastern; 2:11-CV-1264
3:11-CV-1300-K; <i>Marshall v. DePuy Orthopaedics, Inc.</i> ,	06/14/2011	CA - Central; 2:11-CV-4507
3:11-CV-1305-K; <i>Bernard v. DePuy Orthopaedics, Inc.</i> ,	06/14/2011	LA - Eastern; 2:11-CV-0979
3:11-CV-1310-K; <i>Bertoniere v. DePuy Orthopaedics, Inc.</i> ,	06/15/2011	LA - Eastern; 2:11-CV-0716
3:11-CV-1311-K; <i>Perez v. DePuy Orthopaedics, Inc.</i> ,	06/15/2011	CA - Northern; 4:11-CV-1743
3:11-CV-1312-K; <i>Santorelli v. DePuy Orthopaedics, Inc.</i> ,	06/15/2011	LA - Eastern; 2:11-CV-0550

3:11-CV-1314-K; <i>Williams v. DePuy Orthopaedics, Inc.</i> ,	06/15/2011	TX - Southern; 4:11-CV-1500
3:11-CV-1328-K; <i>Brown v. DePuy Orthopaedics, Inc.</i> ,	06/17/2011	VA - Eastern; 3:11-CV-0235
3:11-CV-1329-K; <i>Hawley v. DePuy Orthopaedics, Inc.</i> ,	06/16/2011	VA - Eastern; 3:11-CV-0195
3:11-CV-1364-K; <i>Sevre v. DePuy Orthopaedics, Inc.</i> ,	06/22/2011	MN; 0:11-CV-1461
3:11-CV-1378-K; <i>Foss v. DePuy Orthopaedics, Inc.</i> ,	06/23/2011	MN; 0:11-CV-1542
3:11-CV-1380-K; <i>Ortiz v. DePuy Orthopaedics, Inc.</i> ,	06/23/2011	CA - Central; 2:11-CV-4565
3:11-CV-1381-K; <i>Herbott v. DePuy Orthopaedics, Inc.</i> ,	06/23/2011	CA - Central; 2:11-CV-4564
3:11-CV-1382-K; <i>Maddeaux v. DePuy Orthopaedics, Inc.</i> ,	06/23/2011	CA - Central; 2:11-CV-4560
3:11-CV-1407-K; <i>Horn v. DePuy Orthopaedics, Inc.</i> ,	06/27/2011	LA - Western; 2:11-CV-0855
3:11-CV-1414-K; <i>Rosenstein v. DePuy Orthopaedics, Inc.</i> ,	06/28/2011	CA - Central; 2:11-CV-4711
3:11-CV-1415-K; <i>Hughes v. DePuy Orthopaedics, Inc.</i> ,	06/28/2011	CA - Central; 2:11-CV-4709
3:11-CV-1434-K; <i>Augerson v. DePuy Orthopaedics, Inc.</i> ,	06/29/2011	LA - Eastern; 2:11-CV-1408