

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

In re BIOMET M2A MANGUM HIP IMPLANT PRODUCTS LIABILITY LITIGATION)))))	CAUSE NO. 3:12-md-02391-RLM-CAN (MDL-2391) ----- THIS DOCUMENT RELATES TO: ALL CASES
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JOINT STIPULATION TO STAY PROCEEDINGS PENDING REVISION SURGERY

Plaintiffs and Defendants Biomet, Inc., Biomet Orthopedics, LLC, Biomet U.S. Reconstruction, LLC and Biomet Manufacturing, LLC (herein after collectively referred to as “Defendants”) by and through their respective Co-Lead counsel, hereby jointly stipulate to a stay of all above-captioned proceedings in this action pending a revision surgery to remove the alleged defective Biomet M2a Device or until such stay is lifted pursuant to Court Order. The parties further stipulate as follows:

1. Multidistrict litigation (“MDL”) No. 2391 was created on October 2, 2012, when all cases involving injury as a result of an allegedly defective Biomet M2a hip implant were transferred by the JPML to the Northern District of Indiana and assigned to this Court for coordinated or consolidated pretrial proceedings.

2. On December 5, 2012, the Court entered an Order Concerning Plaintiffs’ Counsel Organizational Structure whereby it appointed a Plaintiffs’ Steering Committee with Thomas Anapol and Mark Lanier as Co-Lead counsel of the Steering Committee.

3. The parties have identified 237 cases have been filed in the MDL where there appears no revision surgery has occurred to date. These cases are referred to as non-revision cases. See Exhibit A, List of Non-revision cases as of January 17, 2014.

4. In the interest of judicial economy, the parties believe it would be prudent to stay all above-captioned proceedings in this action and any future non-revision cases filed in the MDL, including all case specific deadlines and Plaintiff and Defendant Fact Sheets, until a revision occurs. Any and all case specific orders and deadlines ordered to date, and in the future in MDL No. 2391, will not apply to the cases designated as non-revision, including the deadlines set forth in the Case Management Order entered on February 15, 2013 (Doc. No. 242) pertaining to Fact Sheet deadlines.

5. All non-revision cases listed in Exhibit A shall be stayed upon the entry of this Order. Any non-revision cases that are filed after the date of this Order will be identified by Defendants. Defendants will notify by email, Plaintiff's counsel of record in that case, that the case appears to be a non-revision case. Unless Plaintiff's counsel provides proof that a revision has occurred within 10 business days, Defendants will move the Court to stay the action as a non-revision case in accordance with this Order.

6. The parties agree that in any case designated as non-revision, should a revision surgery occur, Plaintiffs agree to notify Defendants by email to Defendants' Lead Counsel within forty-five (45) days from the date the first revision surgery takes place. The parties further agree that a Plaintiff Fact Sheet (PFS) shall be due one-hundred and twenty (120) days from the date the first revision surgery takes place. Once a Plaintiff timely serves Defendants with a materially complete PFS, Plaintiffs shall move the Court to lift the stay in that particular case. If a Plaintiff fails to submit a timely and materially complete PFS, the Defendants may move for dismissal of the Plaintiff's claims as set forth in February 15, 2013 Case Management Order Section VII.D.6 (Doc. No. 242).

WHEREFORE, the parties hereby respectfully request that the Court stay all activity in the above-captioned cases pending the Plaintiffs undergoing a first revision surgery.

DATED: January 31, 2014

Respectfully submitted,

/s/ Erin Linder Hanig
John D. Winter
PATTERSON, BELKNAP, WEBB & TYLER, LLP
1133 Avenue of the Americas
New York, NY 10036
(212) 336-2000
jwinter@pbwt.com

John D. LaDue
Erin Linder Hanig
LADUE CURRAN & KUEHN LLC
205 West Jefferson Boulevard
South Bend, IN 46601
(574) 968-0760
jladue@lck-law.com
ehanig@lck-law.com

Attorney for Defendants

DATED: January 31, 2014

/s/ Thomas R. Anapol (by agreement)
Thomas R. Anapol
ANAPOL SCHWARTZ
1710 Spruce Street
Philadelphia, PA 19103
(215) 735-1130
tanapol@anapolschwartz.com

W. Mark Lanier
LANIER LAW FIRM, PC
6810 FM 1960 West
Houston, Texas 77069
(713) 659-5200
wml@lanierlawfirm.com

Co-Lead Counsel for Plaintiffs