

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

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

JOINT STATUS REPORT- APRIL 17, 2014

The parties jointly submit this status report regarding the implementation of the Settlement Agreement.

1. Case Numbers and Plaintiff Fact Sheets ("PFS")
 - Total MDL cases pending in this Court as of April 15, 2014: 2200 (est.).
 - Number of state court cases that have indicated an interest in participating in the MDL settlement as of April 15, 2014: 95.
 - Biomet received 649 materially complete PFSs by December 31, 2013.
 - Biomet has received 235 materially complete PFSs from cases filed after January 1, 2014.
 - Biomet continues to serve deficiency letters and has moved to dismiss cases in which Plaintiffs have failed to cure deficient PFSs after notice.
2. Group I and Group II Cases
 - Number of Group I eligible cases as of April 15, 2014: 502
 - The parties are unable at this time to estimate the number of Group II cases.
3. Non-Revision Cases
 - Biomet is identifying non-revision cases when filed.
 - Biomet provides written notice of non-revision status to the Plaintiffs' Steering Committee ("PSC") and individual Plaintiffs' counsel pursuant to the parties' Joint Stipulation to Stay Proceedings Pending Revision Surgery (Doc. No. 1313) and the Court's Order Regarding Non-Revision Cases (Doc. No. 1316).
 - Biomet has moved to stay all cases in which it has not received proof of a revision surgery as required by the parties' Joint Stipulation.
 - Number of cases Biomet believes are non-revision cases as of April 15, 2014: 503.

4. Statute of Limitations Cases
 - Biomet is identifying potentially time-barred cases when filed and is providing notice of those cases to the PSC.
 - Cases that are potentially time-barred are subject to mediation as set forth in the Settlement Agreement.
 - Number of cases Biomet believes are potentially time-barred as of April 15, 2014: 398.
5. Other Settlement Category 2 Cases
 - Biomet is identifying cases that potentially fall within Categories 2(b)(2) (more than 10 years of use); (b)(3) (cases where implant was after 1/27/12); (b)(5); (b)(6); and (b)(7) of the Settlement Agreement and has provided notice of those cases within the Group I cases to the PSC.
6. Case Categorization, Enhancements and Contested Cases
 - Group I plaintiffs are going to provide Biomet with their case categorizations on April 18, 2014.
 - Biomet is going to notify plaintiffs if it objects to any of plaintiffs' Group I case categorizations on May 9, 2014.
 - Group I plaintiffs are going to provide Biomet with their list of possible enhanced compensation cases on May 23, 2014.
 - Biomet is going to notify plaintiffs of all the Group I cases it is going to contest pursuant to section 3(b) of the Settlement Agreement on May 30, 2014.
7. Mediation of Cases
 - The parties cannot estimate at this time how many Group 1 cases will be mediated pursuant to Section 3 of the Settlement Agreement.
8. Pending Motions
 - There are eight Biomet motions to stay non-revision cases pending.
 - Plaintiff's motion to remand is pending in *DeMontel v. Biomet Orthopedics, LLC et al.* (3:13-cv-844).
 - Plaintiff's motion for leave to amend and motion to remand are pending in *Harris v. Orthopedic Resource, Inc., et al.* (3:13-cv-1359).
 - Plaintiffs' motions to reinstate are pending in *McElroy v. Biomet, Inc.* (3:14-cv-821) and *Davidson v. Biomet Inc.* (3:14-cv-820).
9. MDL Pipeline
 - As of April 15, 2014, there were 15 cases awaiting transfer from the MDL Panel to this Court.
 - As of April 15, 2014, there were 12 cases removed and/or tagged for transfer to the MDL Panel.

Dated: April 17, 2014

Plaintiffs' Lead Counsel	Defendants' Lead and Liaison Counsel
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