

**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 STATUS REPORT- JUNE 6, 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 June 5, 2014: 2,299.
 - Total number of MDL cases filed (exclusive of cases transferred) after the April 15, 2014 settlement deadline: 29.
 - 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. At that time, 136 of these PFSs were for cases on the non-revision track.
 - Biomet received 566 materially complete PFSs from cases filed after January 1, 2014 as of June 5, 2014.
 - Biomet continues to serve deficiency letters and once the Group 2 cases have been agreed to, Biomet will begin to move to dismiss cases in which Plaintiffs have failed to cure deficient PFSs after notice.

2. Group 1 and Group II Cases
 - Number of Group 1 cases as of June 5, 2014: 513
 - The parties estimate the number of Group 2 cases will be between 800 and 1,000.

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 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 June 5, 2014: 523.
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 June 5, 2014: 451.
5. Other Settlement Category 2 Cases
- Biomet identified 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 Group 1 to the PSC.
 - The PSC published Biomet's Categorization of Claims for Group 1 cases on the online password protected Plaintiffs' portal providing notice to all counsel of Biomet's categorizations.
 - Biomet will provide notice to the PSC of the Group 2 cases that it believes are Category 2 cases on or about July 25, 2014.
6. Case Categorization, Enhancements and Contested Cases
- Group 1 plaintiffs provided Biomet with their case categorizations on April 18, 2014.
 - Biomet notified plaintiffs of its objections to any of plaintiffs' Group 1 case categorizations on May 9, 2014.
 - Group 1 plaintiffs provided Biomet with their list of possible enhanced compensation cases and objections to Biomet's case categorizations on May 30, 2014.
 - Biomet is going to notify plaintiffs of the Group 1 cases it is going to contest pursuant to section 3(b) of the Settlement Agreement on June 6, 2014.
 - The PSC will both publish notice of Biomet's intent to challenge base value awards on the online password protected Plaintiffs' portal providing notice to all counsel of Biomet's challenged cases as well as email individual firms regarding represented cases being challenged which will subject to mediation under the settlement agreement.
 - Group 2 plaintiffs are going to provide Biomet with their case categorizations on August 8, 2014.
 - Biomet will notify plaintiffs of its objections to any of plaintiffs' Group 2 case categorizations on September 5, 2014.
 - Group 2 plaintiffs are going to provide Biomet with their list of possible enhanced compensation cases on September 12, 2014.

- Biomet is going to notify plaintiffs of all the Group 2 cases it is going to contest pursuant to section 3(b) of the Settlement Agreement on September 19, 2014.
7. Mediation of Cases
- The parties estimate that more than 200 Group 1 cases will be mediated pursuant to Section 3 of the Settlement Agreement.
 - The parties cannot estimate at this time how many Group 2 cases will be mediated pursuant to Section 3 of the Settlement Agreement.
8. Pending Motions
- There are two Biomet motions to stay non-revision cases pending in the main MDL cause number, encompassing 172 member cases.
 - 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).
 - Plaintiff's motion to set aside stay order is pending in *Samanic v. Biomet Orthopedics, Inc.* (3:14-cv-536).
9. MDL Pipeline
- As of June 5, 2014, there were 17 cases awaiting transfer from the MDL Panel to this Court.
 - As of June 5, 2014, there were 3 cases removed and/or tagged for transfer to the MDL Panel.

Dated: June 6, 2014

Plaintiffs' Lead Counsel	Defendants' Lead and Liaison Counsel
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