

**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- SEPTEMBER 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 September 15, 2014: 2403.
 - Number of Group 1 cases as of September 15, 2014: 513
 - Number of Group 2 cases as of September 15, 2014: 972
 - Biomet continues to review and analyze PFSs received after the June 13, 2014 deadline and is providing notice to individual plaintiff’s counsel of what Biomet believes are materially deficient PFSs.
 - Biomet will move to dismiss cases in which Plaintiffs have failed to cure materially deficient PFSs after 30-days notice.
 - Biomet provided notice to individual plaintiff’s counsel in cases where no PFS has been received by the deadlines established by the Settlement Agreement and February 15, 2013 Case Management Order, and Biomet has moved to dismiss all cases in which no PFS was received after 30-days notice.

2. Non-Revision Cases
 - On September 12, 2014, the parties filed a Joint Stipulation to Dismiss Non-Revision Cases on the Court’s non-revision list, with the exception of stayed cases in which plaintiffs filed a motion to lift stay.
 - Number of cases with pending motions to lift non-revision stays: 44
 - Biomet is opposing all motions to lift non-revision stays in cases where a revision has not yet occurred.

3. Case Categorization, Enhancements and Contested Cases
 - Group 2 plaintiffs provided Biomet with their case categorizations on August 8, 2014.
 - Biomet notified plaintiffs of its response to 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 19, 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 October 3, 2014.
4. Mediation of Cases
- The mediation process for Group 1 cases pursuant to Section 3 of the Settlement Agreement is ongoing.
 - The parties cannot estimate at this time how many Group 2 cases will be mediated pursuant to Section 3 of the Settlement Agreement.
5. Pending Motions
- There are 7 Biomet motions to dismiss for failure to submit a materially complete PFS pending in *Fisher* (13-1367); *Brownlee* (14-353); *Tackett* (14-954); *Shepherd* (14-1214); *Centers* (14-1457); *Cannon* (14-1473); *Eastman* (14-771).
 - There are 44 Plaintiffs' motions to lift non-revision stays pending, as noted in Section 2 above.
 - Plaintiffs' opposed motions to challenge PFS deficiencies are pending in *Boruff* (14-1760), *Lissauer* (14-1761); and *Plank* (14-1762).
 - Plaintiff's unopposed motion to amend complaint is pending in *Medlin* (14-1244).
6. MDL Pipeline
- As of September 15, 2014, there were 2 cases awaiting transfer from the MDL Panel to this Court.
 - As of September 15, 2014, there was 1 case removed and/or tagged for transfer to the MDL Panel.
7. Proposed Motion and Proposed Order to Establish a QSF and to Appoint Fund Administrator
- Motion and Order submitted 09/17/2014 with the MSA Addendum.

Dated: September 17, 2014

Plaintiffs' Lead Counsel	Defendants' Lead and Liaison Counsel
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