

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: ZIMMER NEXGEN KNEE
IMPLANT PRODUCTS LIABILITY
LITIGATION

)
)
) MDL No. 2272
)
)

This Document Relates to All Cases
Listed in the Attached Exhibit

Master Docket Case No. 11 C 05468

Judge Rebecca R. Pallmeyer

ORDER

In a number of cases in this MDL, attorneys who filed appearances for individual Plaintiffs have moved to withdraw as counsel over the objections (either express or presumed) of their clients. See *Burns v. Gen. Motors Corp.*, No. 1:06 C 0499 DFH-WTL, 2007 WL 4438622, at *1 (S.D. Ind. Nov. 30, 2007) (presuming client objects in absence of affirmative showing that client consents to attorney's withdrawal). An attorney seeking withdrawal over the objection of a client must provide a valid and compelling reason to allow withdrawal. See *id.* (citing *Stafford v. Mesnik*, 63 F.3d 1445, 1448 (7th Cir. 1995), and *Woodall v. Drake Hotel, Inc.*, 913 F.2d 447, 449 (7th Cir. 1990)). The only reasons the attorneys provide for seeking leave to withdrawal are "disagreements" or "disputes" with their clients about how to proceed in their cases, described with varying degrees of specificity. In some instances, attorneys report that the client has agreed to the withdrawal and will be retaining substitute counsel—but no substitute attorney has appeared. As the court has ruled previously, "'disagreement in the handling' of the litigation . . . does not require the court to approve withdrawal." Order of 6/25/2013 [904], at 1. As the court explained in that order, allowing counsel to withdraw could unfairly prejudice the clients who entered this case assisted by counsel but would be left to navigate the complicated MDL proceeding as *pro se* litigants, many of them far from their home jurisdiction. In addition, the transformation of dozens of Plaintiffs in this MDL into *pro se* litigants

could result in prejudice to other litigants, disrupt the administration of justice, cause delay, and generally frustrate many of the purposes of a consolidated MDL proceeding. See *id.* at 2.

The court is unwilling at this time to grant motions to withdraw based on representations of an unspecified disagreement between Plaintiffs and their counsel. Counsel is thus ordered to provide, within 21 days, additional information about the nature of the dispute between counsel and client, including an explanation of when and how the dispute arose, why the dispute would prevent counsel from continuing to represent plaintiff in this proceeding, and what efforts counsel made to resolve the dispute. If the dispute arises from a change in counsel's belief about the merits of plaintiff's case or about plaintiff's likelihood of success in this proceeding, counsel should explain when and why his or her evaluation of plaintiff's case changed, when counsel informed plaintiff of this change, and whether and how the retention agreement (if any) permits withdrawal under these circumstances.

Because of the sensitive nature of the information requested, responses to this order may be filed in camera.

This order applies in the following cases:

11-cv-0974	12-cv-1759	12-cv-2852	12-cv-4724
11-cv-5720	12-cv-1809	12-cv-3021	12-cv-4740
11-cv-5731	12-cv-2139	12-cv-3023	12-cv-4742
11-cv-5750	12-cv-2141	12-cv-3272	12-cv-4744
11-cv-6423	12-cv-2213	12-cv-3328	12-cv-4754
11-cv-6424	12-cv-2293	12-cv-3880	12-cv-4758
11-cv-6441	12-cv-2382	12-cv-3968	12-cv-4890
11-cv-6442	12-cv-2480	12-cv-3969	12-cv-4929
11-cv-8816	12-cv-2837	12-cv-4414	12-cv-4982
12-cv-0990	12-cv-2840	12-cv-4481	12-cv-5174
12-cv-1684	12-cv-2845	12-cv-4488	12-cv-5202

12-cv-5405	12-cv-8114	13-cv-0203	13-cv-5203
12-cv-5407	12-cv-8117	13-cv-0525	13-cv-5960
12-cv-5411	12-cv-8118	13-cv-0548	13-cv-5447
12-cv-5412	12-cv-8133	13-cv-0567	13-cv-6133
12-cv-5413	12-cv-8134	13-cv-1541	13-cv-6521
12-cv-5506	12-cv-8136	13-cv-1663	13-cv-6954
12-cv-5518	12-cv-8141	13-cv-1794	13-cv-7374
12-cv-5788	12-cv-8143	13-cv-1797	13-cv-7383
12-cv-5790	12-cv-8370	13-cv-1799	13-cv-7729
12-cv-5791	12-cv-9003	13-cv-1941	13-cv-8106
12-cv-5797	12-cv-9005	13-cv-2556	13-cv-8112
12-cv-6166	12-cv-9014	13-cv-2956	13-cv-8119
12-cv-6502	12-cv-9378	13-cv-3033	13-cv-8124
12-cv-6503	12-cv-9421	13-cv-3143	13-cv-8202
12-cv-6504	12-cv-9424	13-cv-3351	13-cv-8204
12-cv-6519	12-cv-9557	13-cv-3621	13-cv-8205
12-cv-6528	12-cv-9705	13-cv-3660	13-cv-8210
12-cv-6576	12-cv-9858	13-cv-3663	13-cv-8935
12-cv-6581	12-cv-9927	13-cv-4400	13-cv-9088
12-cv-7077	12-cv-10276	13-cv-4410	13-cv-9157
12-cv-7731	12-cv-10279	13-cv-5058	13-cv-9198
12-cv-7871	12-cv-10283	13-cv-5059	14-cv-0426
12-cv-7873	12-cv-10292	13-cv-5060	14-cv-0427
12-cv-7885	12-cv-10294	13-cv-5063	14-cv-0428
12-cv-7891	12-cv-10297	13-cv-5064	14-cv-0432
12-cv-7896	12-cv-10301	13-cv-5194	14-cv-0435

14-cv-1067	14-cv-3236	14-cv-6703	15-cv-1223
14-cv-1077	14-cv-3524	14-cv-7871	15-cv-1519
14-cv-1196	14-cv-4730	14-cv-8073	15-cv-1813
14-cv-1198	14-cv-4764	14-cv-8082	15-cv-1814
14-cv-1313	14-cv-4767	14-cv-8095	15-cv-2102
14-cv-1506	14-cv-5013	14-cv-8101	15-cv-2108
14-cv-1730	14-cv-5957	14-cv-8104	15-cv-3898
14-cv-2377	14-cv-5978	14-cv-8128	15-cv-7739
14-cv-2769	14-cv-5980	14-cv-9326	15-cv-8011
14-cv-2968	14-cv-5982	14-cv-9428	15-cv-10574
14-cv-2972	14-cv-6233	14-cv-9559	

The Clerk is directed to enter this order on Docket No. 11 C 5468 and file a copy in each case that is referenced above. In each such case, the pending motion for leave to withdraw is entered and continued.

ENTER:



Dated: March 25, 2016

REBECCA R. PALLMEYER
United States District Judge