

EXHIBIT A

United States District Court
Northern District of Indiana
204 South Main Street
South Bend, Indiana 46601

Robert L. Miller, Jr.
Judge

December 2, 2016

RE: Biomet M2A Magnum Hip Implant Products Liability Litigation

Dear Judge:

I understand that you have a product liability case involving Biomet's M2a Magnum or M2a-38 metal-on-metal hip implant devices. In October 2012, the Judicial Panel on Multidistrict Litigation transferred all of the federal cases involving those devices to me for centralized pretrial proceedings in MDL-2391. Most of the 2,600 cases that have been transferred to my docket have been settled, but more than 300 remain, and more arrive every month.

The proceedings in your case might be at a different stage than those in the federal MDL, but you and the people involved in your case might find our proceedings helpful in the sense that a great deal of discovery has been accomplished in the federal cases. The plaintiffs' steering committees have completed seven Rule 30(b)(6) depositions and Biomet has responded to multiple sets of master written discovery requests from the plaintiffs' steering committees. Biomet has identified and produced more than 9 million pages of documents subject to a negotiated ESI protocol and orders approving the use of search terms and predictive coding technology. (See attached ESI Protocol, April 18, 2013 Order Regarding Discovery of ESI, and August 21, 2013 Memorandum and Order).

I was a state trial judge for a decade, and would never presume to tell a state trial judge how to handle a case. But depending on the stage of your case and the law of your jurisdiction, you might find it helpful to look to the federal proceedings to the extent they might make it unnecessary for you to re-invent the wheel. My court's website — <http://www.innd.uscourts.gov/mdl-2391> — includes all the discovery and case management issues I have addressed.

To help you compare the stage of your proceedings with those in the MDL docket before me, I am also including my December 2015 Scheduling Order that sets forth the timeline governing the federal cases through resolution of dispositive pretrial matters and core discovery.

- The parties are conducting individual Biomet employee depositions involving dozens of records custodians; those depositions are to be completed by the end of 2016.
- The parties have taken limited discovery and filed dispositive motions in cases subject to statute of limitations and spoliation defenses. I will rule on several of those, most which are ripe for my decision.
- For cases not subject to those defenses, the order activates pools of about 50 cases each for certain case-specific discovery such as plaintiff and physician depositions.
- The order creates a timetable for general expert reports, taking expert depositions, and filing dispositive motions directed at those experts in early 2017.

In other mass tort litigation, state trial judges have found cooperation with the federal court in which the federal cases were centralized to be helpful in preventing duplication of efforts, avoiding undue costs, and conserving judicial resources. For example, it might be appropriate — and might promote efficiency and consistency — for state court litigants to participate meaningfully in the MDL depositions of Biomet employees. On the other hand, the needs of your individual case might be different from what we are doing in this federal docket.

You and you alone make the case management and substantive state law decisions in your case. As you do so, you might find that federal/state cooperation is the best way to bring this litigation to a global resolution. Please feel free to contact me to discuss our joint interests in this litigation.

Sincerely,

Robert L. Miller, Jr.
Judge, United States District Court

Enclosures.