

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: WRIGHT MEDICAL
TECHNOLOGY, INC., CONSERVE
HIP IMPLANT PRODUCTS
LIABILITY LITIGATION,**

**MDL DOCKET NO. 2329
1:12-MD-2329-WSD**

**This Document Relates To:
ALL CASES**

ORDER

On October 5, 2017, the Court conducted a status conference [2015] at which the parties discussed the global resolution of this MDL. On October 10, 2017, the Court issued an order summarizing the conference and directing the parties to file a motion with regard to the Court closing the MDL to new claims. ([2017]). On October 17, 2017, the parties filed their joint motion [2020] (“Joint Motion”) asking the Court to (1) vacate the Court’s Case Management Order No. 1 [86] (“CMO-1”), to the extent that it permits the direct filing of new cases using the approved short-form complaint or otherwise, and order that new cases cannot in the future be direct-filed in MDL-2329, and (2) send a memorandum suggestion to the United States Judicial Panel on Multidistrict

Litigation (the “JPML”) that: (a) includes a copy of the Court’s Order on the Joint Motion and its October 10, 2017, Order [2017], (b) informs the JPML that the MDL is in a final wind-up phase as a result of a global resolution that will address all cases in the MDL, and (c) requests that the JPML cease the transfer of new actions to this MDL.

The purpose of this MDL has been fulfilled. The parties conducted extensive fact and expert discovery, including millions of pages of documents and approximately 150 depositions. The parties also conducted a Bellwether trial that allowed for the development of expert witnesses, as well as the filing of and rulings on dispositive and evidentiary motions.

In CMO-1, the Court, among other things, authorized the filing of new cases directly in the MDL and permitted the use of short form complaints. (CMO-1 at ¶ 1, 2). Considering the settlement agreements agreed to by the parties in MDL-2329, the direct filing of cases in the MDL, including by the use of a short form complaint, should no longer be permitted. The Court also finds that the interests of justice and the efficient and economical adjudication of the cases would be promoted by the JPML discontinuing referral of new cases to be included in this action.

Accordingly, and after careful consideration of the parties’ Joint Motion, and

in the exercise of this Court's broad discretion to manage the MDL, it is hereby ordered that the parties' Joint Motion to Close the MDL to New Claims [2020] is **GRANTED**, and the Court hereby **VACATES** CMO-1 to the extent that it allowed direct filings, using the approved short-form complaint or otherwise, and **ORDERS** that the direct filing of new cases is no longer permitted in MDL-2329. The Court will advise the JPML of the settlement of these actions and suggest that no further cases be transferred to MDL-2329 by the JPML.

SO ORDERED this 18th day of October, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE