

**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

CIVIL ACTION NO.
1:12-md-02329-WSD

This document relates to:
ALL CASES

**PLAINTIFFS' CO-LEAD COUNSEL'S STATUS REPORT CONCERNING
CASES REQUIRING REMAND OR DISMISSAL**

On October 10, 2017, the Court ordered Plaintiffs' Co-Lead Counsel to file a status report on or before December 8, 2017 updating the Court as to cases potentially subject to remand or dismissal. (CM/ECF No. 2017 at p.2). The Court later extended the date of the status report to January 19, 2018. (CM/ECF No. 2085-1). This report provides the current status of all non-metal-on-metal and non-revision cases and Plaintiffs' Co-Lead Counsel's recommendation as to remand or dismissal.

NON-METAL-ON-METAL CASES

As of October 10, 2017, thirteen (13) cases involving non-metal-on-metal hip implant constructs remained in the MDL. Plaintiffs' Co-Lead Counsel and Defense Counsel jointly negotiated an option for plaintiffs with non-metal-on-metal claims to enter into a tolling agreement and stipulation of dismissal without

prejudice to allow these plaintiffs to refile their claims in an appropriate jurisdiction. All but two of these cases have been dismissed. The following table identifies the non-metal-on-metal cases and their current status:

Last Name	First Name	Case #	Firm	Status
Arnold	Larry	1:14-cv-02699-WSD	Gray & White	Dismissed
Duke	Jane	1:13-cv-03737-WSD	Murphy Law Firm	Dismissed
Hribar	Helen	1:14-cv-2467-WSD	Franklin D. Azar & Associates	Pending
Hundt	Charles	1:17-cv-1777-WSD	Wilshire Law Firm	Dismissed
Lyons	Richard	1:15-cv-3053-WSD	Houssiere Durant & Houssiere LLP	Dismissed
McDowell	Lester E.	1:13-cv-03729-WSD	Murphy Law Firm	Dismissed
McGrady	Michael & Anita	1:14-cv-1065-WSD	Dugan Law Firm	Executed Stipulation of Dismissal
McQuerry	James	1:17-cv-2112-WSD	Wilshire Law Firm	Dismissed
Newton	Deborah	1:14-cv-1693-WSD	Kenneth S. Nugent, PC & The Lanier Law Firm	Dismissed
Reppond	Bobby	1:15-cv-1897-WSD	Law Offices of Lisa Douglas	Dismissed

Last Name	First Name	Case #	Firm	Status
Smith	Todd	1:16-cv-2547-WSD	Larry Helvey Law Firm	Pending
Wharton	Stephanie	1:13-cv-3892	Goza & Honnold LLC	Dismissed
Yocum	Dale	1:14-cv-3174-WSD	Mann & Potter PC	Dismissed

As to the three remaining non-metal-on-metal cases that remain pending, Co-Lead Counsel believes that they will soon be dismissed by stipulation among the parties and that remand and/or dismissal by the Court is not necessary at this time.

First, the McGrady stipulation has been executed and should be filed shortly.

Second, Plaintiffs' Co-Lead Counsel has just recently been notified that listed plaintiff's counsel in *Hribar v. Wright Medical Technology, Inc., et al.* 1:14-cv-2467-WSD no longer represents plaintiff. Accordingly, Plaintiffs' Co-Lead has not yet been able to discuss status with current counsel, but will promptly identify and reach out to new counsel to address dismissal and tolling.

Third, the plaintiff in *Smith v. Wright Medical Technology, Inc., et al.* 1:16-cv-2547-WSD had bi-lateral hip replacements. One hip is subject to the First Master Settlement Agreement and a stipulation of dismissal pursuant to a limited

release. Smith's claims as to the non-metal-on-metal hip are still pending.

Plaintiff's individual counsel is working through this issue with Smith, to facilitate entry into the tolling agreement and stipulation of dismissal as to the non-metal-on-metal hip. Plaintiffs' Co-Lead Counsel will follow up with individual counsel on this issue.

NON-REVISION CASES

As of October 17, 2017, ninety-five (95) cases asserting claims as to non-revised hip implants remained in the MDL. Plaintiffs' Co-Lead Counsel and Defense Counsel jointly negotiated a form stipulation of dismissal and tolling agreement to allow non-revision plaintiffs to dismiss their claims without prejudice and to refile outside the MDL should the device fail.

Fourteen (14) of the pending non-revision cases have claims involving bi-lateral hip implants, where one of the implants was revised and is subject to one of the three settlement agreements. Individual counsel for these bi-lateral plaintiffs for these cases have agreed that, after the plaintiffs have been paid pursuant to the respective settlement agreements for their revised hips, they will dismiss the non-revised claims without prejudice, subject to the tolling agreement.

The chart below addresses these fourteen (14) cases involving one revised hip subject to settlement and a second, non-revised hip:

Fourteen Pending Bi-lateral Cases Involving Single Hip Included in One of the Three Settlement Agreements

Last Name	First Name	Case #	Firm	Comments
Benson	Allison	1:17-cv-2994	Johnson Law Group	MSA 3
Brennan	Valerie	1:14-cv-630-WSD	Davis Saperstein Salomon PC	Awaiting Final Payment/ MSA 1
Collier	Otis	1:15-cv-2164-WSD	Loncar & Associates	Awaiting Final Payment / MSA1
Cunningham	Nancy	1:13-cv-02431-WSD	Parker Waichman	Awaiting Final Payment / MSA1
Huisinga	Tracey	1:15-cv-620-WSD	Dutton Braun Stack & Hellman	Awaiting Final Payment / MSA1
McIntosh	Marvin; Marguerita	1:14-cv-2147-WSD	Milavetz Gallop Milavetz P.A.	Awaiting Final Payment / MSA1
Meier	Russell	1:15-cv-1297	Goza & Honnold LLC	MSA 3
Pfeiffer	Lavern	1:16-cv-3204-WSD	Wagstaff & Cartmell	MSA 3
Phillips	Herman	1:14-cv-3607-WSD	Cory Watson Crowder & DeGaris	MSA 3
Register	Ellis E.	1:16-cv-1576-WSD	James Carter PLC	MSA 3
Schaufele	Michael C.	1:16-cv-1575-WSD	James Carter PLC	MSA 3
Smith	Ana	1:14-cv-2027-WSD	Van Wey Law	MSA 3

Last Name	First Name	Case #	Firm	Comments
Stahl	Denise	1:15-cv-3589-WSD	Seeger Salvas LLP	MSA 3
Wilson	Peggy	1:14-cv-3581-WSD	Franklin D. Azar & Associates	MSA 3

Another sixty-four (64) non-revision plaintiffs have entered into a stipulation of dismissal and tolling agreement. Of those, nine (9) cases have been dismissed, with the remaining stipulations of dismissal to be filed over the next several weeks.

The status of these sixty-four (64) cases is reported in the table below:

Plaintiffs That Entered Into Stipulation of Dismissal and Tolling Agreement

Last Name	First Name	Case #	Firm	Comments
Alexander	Barbara (and Johnnie)	1:14-cv-01782-WSD	Pendley Baudin & Coffin	Executed Stipulation of Dismissal
Barnhouse	Dorothy	1:15-cv-1216-WSD	Onder Shelton O'Leary & Peterson LLC	Executed Stipulation of Dismissal
Bradshaw	Randy Scott	1:14-cv-4090-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Bradshaw	Ray	1:14-cv-4114-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Carnegie	Sammy & Denise	1:14-cv-298-WSD	Franklin D. Azar & Associates, PC & Kenneth S. Nugent, PC	Executed Stipulation of Dismissal

Last Name	First Name	Case #	Firm	Comments
Case	Gerald/Joann	1:14-cv-2445-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Chisolm	Robert Lee	1:14-cv-3655-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Council	Joe	1:14-cv-3065-WSD	Pendley Baudin & Coffin	Executed Stipulation of Dismissal
Crocker-Pope	Helen	1:13-cv-00185-WSD	Bailey Perrin Bailey	Executed Stipulation of Dismissal
Cruz	Carlodina J. & Eliel	1:12-cv-02544-WSD	Roy M. Doppelt/E. Scott Verhine	Executed Stipulation of Dismissal
Diercksen	Ronald & Lisa	1:14-cv-383-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Doebbrick	Cheryl K.	1:14-cv-2340-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Dolensek	Nancy	1:15-cv-00024-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Elliott	Arthur E.	1:14-cv-03676-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Feld	Nancy	1:14-cv-2952-WSD	McDonald Law Firm PC/Harrison Davis Steakley Morrison PC	Executed Stipulation of Dismissal

Last Name	First Name	Case #	Firm	Comments
Fisher	Shirley	1:13-cv-00186-WSD	Bailey Perrin Bailey	Executed Stipulation of Dismissal
Floyd	Linda	1:14-cv-2356-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Fredrickson	Margie J.	1:13-cv-02781-WSD	Johnson Johnson & Schaller PC	Dismissed
French	Jerry	1:14-cv-382-WSD	Franklin D. Azar & Associates, PC & Kenneth S. Nugent, PC	Executed Stipulation of Dismissal
Garcia	James Henry	1:14-cv-4115-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Gobel	Donald (E/O Agnes)	1:13-cv-2641-WSD	Bailey Perrin Bailey	Executed Stipulation of Dismissal
Hall	Dianne A.	1:14-dv-180-WSD	Kagan Law Firm	Executed Stipulation of Dismissal
Hamlin	Gregory	1:14-cv-3697-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Hill	Ricky	1:15-cv-2166-WSD	Loncar & Associates	Executed Stipulation of Dismissal
Hoffman	Jacqueline A.	1:14-cv-2897-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal

Last Name	First Name	Case #	Firm	Comments
Hollenbeck	Gloria	1:13-cv-01621-WSD	Wagstaff & Cartmell – MO	Executed Stipulation of Dismissal
Hyde	Linda F.	1:13-cv-01765-WSD	Pope McGlamry	Dismissed
Jones	Frederick W.	1:12-cv-03248-WSD	Fleming Nolen Jez	Executed Stipulation of Dismissal
Kellogg	William & Nikki	1:14-cv-380-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Kinsey	Taleea Isaphine	1:15-cv-368-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Lester	Franklin	1:13-cv-00188-WSD	Bailey Perrin Bailey	Executed Stipulation of Dismissal
Lester	Franklin	1:13-cv-00188-WSD	Bailey Perrin Bailey	Executed Stipulation of Dismissal
Lopez	Joe F.	1:14-cv-2363-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Mason	Kristine	1:14-cv-2484-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
McCright	Shirley Ann	1:15-cv-204-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal

Last Name	First Name	Case #	Firm	Comments
McGee	Kathy	1:17-cv-879-WSD	Searcy Denney	Executed Stipulation of Dismissal
McIntosh	Joshua	1:13-cv-00189-WSD	Bailey Perrin Bailey	Executed Stipulation of Dismissal
Menne	William Allan	1:14-cv-3786-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Montreuil	Richard	1:15-cv-239-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Moore	Betty & Phillip Ray	1:13-cv-03765-WSD	Pope McGlamry	Executed Stipulation of Dismissal
Morales	Alan M.	1:13-cv-03677-WSD	Maglio Christopher & Toale, P.A./Nash Franciskato Law Firm	Dismissed
O'Cain	Henry Earl	1:14-cv-3587-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Olson	Muriel	1:15-cv-2167-WSD	Loncar & Associates	Dismissed
Powell	Christine	1:14-cv-3285-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Pribanic	Monica Janet & Kenneth	1:13-cv-01111-WSD	Pope McGlamry	Executed Stipulation of Dismissal

Last Name	First Name	Case #	Firm	Comments
Pryor	Dennis	1:15-cv-2179-WSD	Loncar & Associates	Dismissed
Rainville	Edward C.	1:14-cv-973-WSD	Viles & Beckman, LLC	Executed Stipulation of Dismissal
Ranson	David	1:14-cv-2475-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Riley	Sheena	1:13-cv-03640	Pope McGlamry	Dismissed
Roberts	Donald	1:12-cv-02830-WSD	Douglas & London	Executed Stipulation of Dismissal
Rotondi	Beatrice	1:14-cv-2653-WSD	Hurley McKenna & Mertz PC	Executed Stipulation of Dismissal
Schacker	Robert	1:13-cv-3481-WSD	Parker Waichman, NY	Executed Stipulation of Dismissal
Schifano	Jeanne M.	1:15-cv-00351-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Seals	Willie	1:15-cv-227-WSD	Wagstaff & Cartmell	Executed Stipulation of Dismissal
Shaw	Kanendra	1:15-cv-2180-WSD	Loncar & Associates	Executed Stipulation of Dismissal
Shivitz	Floren	1:13-cv-00836-WSD	Pope McGlamry	Dismissed

Last Name	First Name	Case #	Firm	Comments
Sprecher	Jane	1:14-cv-00629-WSD	Davis Saperstein & Salomon	Executed Stipulation of Dismissal
Summers	Harold & Nancy	1:13-cv-3547-WSD	Hare Wynn Newell & Newton	Dismissed
Townsend	James	1:13-cv-3274-WSD	Pendley Baudin & Coffin	Executed Stipulation of Dismissal
Tumey	Jacqueline Ann Stanley	1:15-cv-25-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Watts, Jr.	James Wyly	1:14-cv-3674-WSD	Franklin D. Azar & Associates	Executed Stipulation of Dismissal
Wilson	James	1:14-cv-3596-WSD	Pendley Baudin & Coffin	Executed Stipulation of Dismissal
Wilson	Steven	1:15-cv-2182-WSD	Loncar & Associates	Dismissed
Young	Rosie	1:12-cv-03046-WSD	Fleming Nolen Jez	Executed Stipulation of Dismissal
Zwirnmann	Nona	1:13-cv-00193-WSD	Bailey Perrin Bailey	Executed Stipulation of Dismissal

Plaintiffs' Co-Lead Counsel has received no response from plaintiffs' individual counsel to inquiries as to the status of ten (10) cases, listed in the table below:

No Response from Plaintiffs' Individual Counsel

Last Name	First Name	Case #	Firm
Black	Angelika	1:14-cv-3409-WSD	Kershaw Cook & Talley
Calvert	James	1:17-cv-350-WSD	Kershaw Cook & Talley
Chrostowski	William	1:15-cv-1609-WSD	Kralovec Jambois & Schwartz
Cochran	Brenda	1:15-cv-2829-WSD	Taylor Martino PC
Gadbois	Thomas	1:14-cv-0750-WSD	Kershaw Cook & Talley
Hammond	Mark	1:16-cv-1788-WSD	Bekman Marder & Adkins LLC
Horton	Jimmy	1:14-cv-1690-WSD	Kenneth S. Nugent, PC & The Lanier Law Firm
Michaels	Karen	1:14-cv-1691-WSD	Kenneth S. Nugent, PC & The Lanier Law Firm
Miller	Merle	1:14-cv-1512-WSD	Bachus & Schanker
Shatti	Farhad	1:13-cv-03097-WSD	Kershaw Cook & Talley

Plaintiffs' Co-Lead Counsel does not at this time recommend dismissal of any of the above-listed cases. However, Plaintiffs' Co-Lead Counsel requests that the Court issue show cause orders as to why the ten (10) cases listed above, in which Plaintiffs' counsel have not responded to any of Plaintiffs' Co-Lead Counsels' status inquiries, should not be dismissed.

Individual plaintiffs' counsel in another seven (7) cases have contacted those individual plaintiffs and are waiting on responses from their clients as to whether to enter the tolling agreement and stipulation of dismissal or to request remand of their case. As to these seven (7) cases, Plaintiffs' Co-Lead Counsel does not at this time recommend dismissal or remand of these cases and requests an additional thirty (30) days to work through the stipulations and dismissals of these cases.

Cases Where Individual Counsel is Awaiting Response from Plaintiffs

Last Name	First Name	Case #	Firm
Alexander	Willie	1:13-cv-01967-WSD	Capretz & Associates
Bachelder	Lawrence	1:13-cv-02593-WSD	Branch Law Firm
Chisolm	Robert Lee	1:14-cv-3655-WSD	Franklin D. Azar & Associates
Glenn, Jr.	Hiram	1:13-cv-03722-WSD	Murphy Law Firm
McClelland	Vera	1:13-cv-01143-WSD	Branch Firm
Taylor	Diana	1:12-cv-00767-WSD	K+L/Boucher
Tsaltas	Christopher J.	1:14-cv-3225-WSD	Lowe Law Group

Counsel for plaintiff in one (1) case has responded that the case should be remanded to the Eastern District of Louisiana:

Last Name	First Name	Case #	Firm
Cowart	Mae Ellar	1:12-cv-01305-WSD	Becnel Law Firm, LLC

Plaintiff's Co-Lead Counsel does not recommend remand or dismissal of the *Cowart* case, but instead recommends that Plaintiff Mae Cowart file her motion for transfer for the Court's consideration. Plaintiff's Co-Lead Counsel will notify counsel for Plaintiff Cowart of this recommendation.

Plaintiffs' Co-Lead Counsel further proposes to update the Court as to any cases that remain pending on February 23, 2018.

This 19th day of January 2018.

Respectfully submitted,

/s/ Michael L. McGlamry _____

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Plaintiffs' Co-Lead Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this day, January 19, 2018, a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF and was thus served electronically upon all counsel of record.

/s/ Michael L. McGlamry
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