

**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 FIRST UPDATED 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). On January 19, 2018, Plaintiffs' Co-Lead Counsel filed its Status Report. (CM/ECF No. 2134). This updated status report provides the current status of all non-metal-on-metal and non-revision cases that were filed in the MDL

STATUS

Non-Metal-on-metal Cases: All have been dismissed

Non-Revision Cases:

1. Not Subject to Settlement Agreement: All but 1 case has been dismissed or stipulations of dismissal entered;

2. Cases subject to a settlement agreement¹: 12 pending cases

3. Cases where counsel will seek remand: 3 pending cases

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. All of these cases have been dismissed subject to tolling agreements entered into between Plaintiffs and Defendants.

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.

Twelve (12) 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

¹ These twelve cases involve Plaintiffs that had implants in both hips with just one of the implants subject to one of the three settlement agreements.

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 twelve (12) cases involving one revised hip subject to settlement and a second, non-revised hip:

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
Cunningham	Nancy	1:13-cv-02431-WSD	Parker Waichman	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-	Van Wey Law	MSA 3

Last Name	First Name	Case #	Firm	Comments
		WSD		
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

All but four (4) cases have either been dismissed or Plaintiff's Counsel has entered into a stipulation of dismissal subject to a tolling agreement. The following is the case detail of the four pending cases:

Waiting on Response from Plaintiff's Counsel

Last Name	First Name	Case #	Firm
Glenn, Jr.	Hiram	1:13-cv-03722-WSD	Murphy Law Firm

Counsel will seek Remand

Last Name	First Name	Case #	Firm
Alexander	Willie	1:13-cv-01967-WSD	Capretz & Associates
Cowart	Mae Ellar	1:12-cv-01305-WSD	Becnel Law Firm, LLC
McClelland	Vera	1:13-cv-01143-WSD	Branch Firm

This 8th day of March 2018.

Respectfully submitted,

/s/ Michael L. McGlamry

Michael L. McGlamry
Georgia Bar No. 492515

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Plaintiffs' Co-Lead Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this day, March 8, 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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