

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

IN RE: DePUY ORTHOPAEDICS, - Case No. 1:10-md-2197  
INC., ASR HIP IMPLANT -  
PRODUCTS - Toledo, Ohio  
- November 19, 2013  
- Settlement Conference  
-

-----

TRANSCRIPT OF SETTLEMENT CONFERENCE  
BEFORE THE HONORABLE DAVID A. KATZ  
UNITED STATES DISTRICT JUDGE.

For the Plaintiffs: Steven J. Skikos  
Ellen Relkin  
Michelle L. Kranz  
Michael Kelly  
R. Eric Kennedy  
Chris Seeger  
Edward Blizzard  
Peter Flowers

For the Defendants: Robert C. Tucker  
Susan M. Sharko  
Kristen L. Mayer  
John C. O'Shaughnessy  
Zoha Barkeshli

Also Present: Judge Brian Martinotti  
Judge Deborah Mary Dooling  
Judge Richard Kramer  
Judge Crystal Dixon Mittelstaedt

Court Reporter: Tracy L. Spore, RMR, CRR  
1716 Spielbusch Avenue  
Toledo, Ohio 43604  
(419) 213-5520

Proceedings recorded by mechanical stenography,  
transcript produced by notereading.

1 (Commenced at 4:29 p.m.)

2 THE COURT: Thank you. Ladies and  
00:00:02 3 gentlemen, as you undoubtedly are aware, this is a  
00:00:10 4 hearing in the ASR hip case. We've relaxed the rules to  
00:00:23 5 permit laptops, et cetera, but I remind everyone the  
00:00:31 6 taking of pictures in the courtroom is not permitted. I  
00:00:38 7 remind all speakers to please speak into the mike, keep  
00:00:45 8 your voices up, and please announce your name as you  
00:00:53 9 begin to speak.

00:01:03 10 I welcome all who are here in this quite  
00:01:09 11 large but not the largest MDL case involving the DePuy  
00:01:17 12 ASR hip implant. I want to welcome and introduce the  
00:01:28 13 State Court Judges who are attending, hopefully by video  
00:01:38 14 or by phone: Judge Deborah Mary Dooling of the Illinois  
00:01:48 15 Circuit Court of Cook County, in and around Chicago;  
00:01:53 16 Judge Richard A. Kramer of the San Francisco Superior  
00:01:58 17 Court; Judge Brian R. Martinotti of the New Jersey  
00:02:05 18 Superior Court, Bergen County; and Judge Crystal Dixon  
00:02:11 19 Mittelstaedt of the Maryland Circuit Court for Prince  
00:02:17 20 George's County.

00:02:22 21 Without the cooperation of these Judges whom  
00:02:29 22 I've just welcomed, achieving the result which will be  
00:02:35 23 outlined at this hearing would not have been possible.  
00:02:42 24 I again thank Judges Kramer and Martinotti for inviting  
00:02:47 25 me to sit with them in their respective courtrooms for

00:02:53 1 hearings. That was extremely important in getting  
00:02:58 2 things started in this matter because it was in New  
00:03:04 3 Jersey and California, where the most state court cases  
00:03:10 4 were pending. Obviously Judges Dooling and Mittelstaedt  
00:03:16 5 were important in Illinois and Maryland respectively,  
00:03:21 6 and their cooperation is greatly appreciated as well.  
00:03:25 7 And there were several other State Court Judges with  
00:03:30 8 whom I was privileged to speak over the many months this  
00:03:35 9 case has been pending and whose cooperation was  
00:03:38 10 extremely important. The various state judges  
00:03:45 11 controlled their own dockets, but at the same time they  
00:03:52 12 worked cooperatively with me as the representative of  
00:03:57 13 this Federal Court where this MDL was designated.

00:04:04 14 Nor would it have been possible without the  
00:04:07 15 outstanding leadership on both sides of this case. We  
00:04:15 16 Judges are quite fortunate in having before us in these  
00:04:21 17 multi-district cases law firms and lawyers among the  
00:04:27 18 very best in the country. For approximately three years  
00:04:34 19 these lawyers have labored diligently and conquered many  
00:04:41 20 obstacles to reach this point in this very complex and  
00:04:48 21 wide-reaching series of cases. On behalf of myself, and  
00:04:53 22 taking the liberty at this time of speaking for other  
00:04:57 23 judges on this point, I thank them for their labors and  
00:05:10 24 for their cooperation between and among themselves and  
00:05:13 25 with all of us.

00:05:14 1 Plaintiff's leadership has been a privilege  
00:05:17 2 for this Judge to work with and among the best lawyers I  
00:05:21 3 have ever interacted with over these more than 56 years.  
00:05:31 4 That leadership was chosen not just for their legal  
00:05:34 5 ability and experience in MDL matters, but additionally,  
00:05:42 6 and from my perspective equally as important, they were  
00:05:46 7 chosen due to their ability to perceive issues clearly  
00:05:51 8 and work cooperatively with both plaintiffs' attorneys  
00:05:55 9 around the country and with the defense team, and in  
00:06:01 10 that cooperative manner to resolve significant issues  
00:06:06 11 and reach this point.

00:06:09 12 And the leadership on the defense side,  
00:06:12 13 including John O'Shaughnessy from the company,  
00:06:18 14 fortunately possessed all of those same outstanding and  
00:06:23 15 important qualities. Thus, it was predicted by at least  
00:06:29 16 me to these leaders at a very early stage in this case  
00:06:37 17 that we would reach a result similar to that which will  
00:06:43 18 be outlined during this hearing.

00:06:48 19 But this is not my hearing. It is your  
00:06:52 20 hearing, which happens to be before me and my fellow  
00:06:58 21 State Court Judges. Therefore, I would like now to  
00:07:11 22 introduce Ellen Relkin and ask her to introduce her  
00:07:17 23 leadership and take whatever other measures she wishes  
00:07:21 24 to take at this juncture.

00:07:25 25 MS. RELKIN: Good afternoon. Well,

00:07:35 1 sometimes we thought we wouldn't be here. I'm so very  
00:07:39 2 pleased to be here. It's been a long three years, and  
00:07:41 3 especially long for our clients who have been waiting  
00:07:44 4 eagerly for this day.

00:07:46 5 When Judge Katz appointed Steven Skikos and  
00:07:50 6 myself to leadership, as well as our executive committee  
00:07:53 7 of Eric Kennedy, Mark Robinson, Chris Seeger, and Ben  
00:07:58 8 Gordon, we got together to decide we would make this  
00:08:01 9 litigation a success by reaching consent with the state  
00:08:04 10 courts and to take the talent that worked in the state  
00:08:07 11 courts together with the talent in this multi-district  
00:08:10 12 litigation for one singular purpose -- to produce the  
00:08:13 13 best result possible for our clients.

00:08:17 14 So recognizing that there were parallel  
00:08:19 15 litigations to this August MDL, the state court  
00:08:23 16 consolidated litigations in California, New Jersey,  
00:08:27 17 Illinois, and the consolidation in Maryland and other  
00:08:32 18 states, we made a decisive effort early on to work  
00:08:36 19 together, instead of at cross purposes, which sadly can  
00:08:39 20 happen in some mass tort litigations. These efforts to  
00:08:42 21 coordinate were encouraged by the sage advice of Judge  
00:08:45 22 Katz who recognized from the get go the importance of  
00:08:48 23 efficiency, coordination, cordiality and cooperation.

00:08:53 24 Early on we reached agreement with the state  
00:08:55 25 court litigations to share the database hosting the

00:08:58 1 millions of pages of discovery documents to avoid waste  
00:09:01 2 in technology costs. We worked in conjunction with the  
00:09:04 3 state courts to allow the finest lawyers to take the  
00:09:06 4 lead depositions and assigned strategic teams to various  
00:09:10 5 topics, such as design engineers, marketing, medicine,  
00:09:13 6 et cetera. The depositions and trials were conducted by  
00:09:16 7 a who's who in mass tort, many of the most respected  
00:09:19 8 trial lawyers in the country who **banned together**  
00:09:22 9 **cooperatively** to produce a remarkable work product  
00:09:26 10 involving depositions of scores of witnesses around the  
00:09:28 11 country and across the Atlantic. Lawyers from the MDL,  
00:09:33 12 litigations in New Jersey, California, and Illinois  
00:09:35 13 worked seamlessly as a team.

00:09:40 14 I knew that we were making progress when  
00:09:44 15 early on we worked out a fair and equitable arrangement  
00:09:47 16 with the state court litigation in Chicago. And hats  
00:09:49 17 off to Pete Flowers and his team, including Denman  
00:09:52 18 Heard, both who are here today, in support of this  
00:09:56 19 settlement. We worked out a beneficial and cooperative  
00:10:01 20 working relationship.

00:10:04 21 As you heard from Judge Katz, participating  
00:10:06 22 by video conference is the Judge, Mary Dooling, who  
00:10:09 23 entered a rigorous trial schedule and presided over one  
00:10:13 24 of the ASR trials, and we thank her assistance in these  
00:10:19 25 endeavors.

00:10:20 1 As part of the coordination, Steve Skikos,  
00:10:23 2 who is from California, embraced his brethren to reach a  
00:10:27 3 similar stellar team of advocates. Mike Kelly of the  
00:10:31 4 Walkup firm here today, at counsel table here, is lead  
00:10:36 5 counsel in California, and along with his talented  
00:10:38 6 partners Khaldoun Baghdadi and Matt Davis -- Matt Davis  
00:10:43 7 is here today -- worked tirelessly with other leaders on  
00:10:47 8 the California litigation including Ken Seeger and Brian  
00:10:50 9 Devine, who is here today -- Brian Devine is here today,  
00:10:54 10 and also Peter Polos, who sits on the MDL PSC, who is  
00:11:01 11 also here today. These leaders in California, along  
00:11:04 12 with other important leaders of both the MDL in  
00:11:07 13 California, Mark Robinson, who's on our Executive  
00:11:10 14 Committee, and Larry Gornick, Chairman of the PSC of the  
00:11:15 15 MDL, also both of them are California lawyers who played  
00:11:18 16 an active role in the parallel cooperative litigation.

00:11:25 17 The California litigation was shepherded by  
00:11:27 18 Judge Richard Kramer who capably managed it and is  
00:11:31 19 participating telephonically today.

00:11:33 20 Similarly, from the Great Garden State of  
00:11:36 21 New Jersey is Judge Brian Martinotti, who is  
00:11:40 22 participating by video conference. Judge Martinotti  
00:11:43 23 efficiently managed the large coordinated litigation and  
00:11:47 24 had cases teed up for trial this fall, and issued a  
00:11:51 25 precedential decision on joint trials.

00:11:52 1 Special coordination was achieved by Judge  
00:11:54 2 Katz reaching out to these State Court Judges, attending  
00:11:57 3 the joint hearings in Hackensack, New Jersey and in San  
00:12:00 4 Francisco, and that all led to this productive working  
00:12:04 5 relationship.

00:12:07 6 Attending today from New Jersey includes  
00:12:11 7 co-lead counsel Dan Lapinski who also was counsel of  
00:12:15 8 record for Deborah McDonald, the case that came very  
00:12:19 9 close to getting tried as the first New Jersey  
00:12:21 10 bellwether trial. Dan worked with a team from the MDL  
00:12:25 11 and the New Jersey litigation to get that case trial  
00:12:27 12 ready. And I should say that for all of the bellwether  
00:12:30 13 trial team, it was a joint effort, a joint endeavor  
00:12:33 14 where the MDL lawyers, the state court lawyers worked  
00:12:36 15 together, shared work product, shared experts, shared  
00:12:40 16 costs, with the MDL providing much of the financial  
00:12:44 17 support for the trials that did take place and the  
00:12:47 18 trials that were very close to getting ready for trial,  
00:12:49 19 which we think played an important role in why we're  
00:12:52 20 here today.

00:12:53 21 Finally, while New Jersey lead counsel David  
00:12:56 22 Buchanan from Seeger Weiss cannot be here today, his  
00:13:00 23 partner, Chris Seeger, who is also on the Executive  
00:13:03 24 Committee of the MDL, is here and will speak in a few  
00:13:06 25 moments.



00:13:07 1 Finally I'm pleased to introduce Judge  
00:13:09 2 Crystal Mittelstaedt, who managed the smaller informally  
00:13:12 3 coordinated cases in Prince George's County, Maryland.

00:13:14 4 Attorney Brian Franciskato, who is here  
00:13:16 5 today along with his partner, Altom Maglio, was one of  
00:13:20 6 the attorneys at the forefront of the Maryland cases and  
00:13:22 7 then they joined in with the MDL, appreciating the very  
00:13:25 8 sound work product of the MDL.

00:13:27 9 In terms of introductions, I must introduce  
00:13:32 10 our fearless liaison counsel, Michelle Kranz, sitting at  
00:13:37 11 conference table, who probably has spoken to more people  
00:13:40 12 than anybody else in this room. She has tirelessly  
00:13:43 13 answered so many questions from hundreds of lawyers who  
00:13:47 14 represent ASR patients. Not only did Michelle serve as  
00:13:51 15 a liaison role to counsel and to the Court, but Michelle  
00:13:55 16 played a key role in trial preparation for the two cases  
00:13:58 17 that were set to go to trial here in Ohio.

00:14:02 18 In addition to the joint state effort in  
00:14:04 19 preparing these cases for trial, and of course the  
00:14:07 20 discovery, there was a joint effort of all these state  
00:14:11 21 court leaders in the long and complex -- really colossal  
00:14:16 22 task of negotiating the settlement that we will hear  
00:14:20 23 about shortly.

00:14:22 24 In addition to the names that I've already  
00:14:24 25 introduced, we'd like to introduce Perry Weitz, who is

00:14:28 1 sitting here; Adriana Desmond, who's here today; David  
00:14:37 2 Landever, Larry Gornick, Peter Polos, and Edward  
00:14:40 3 Blizzard, all who are here today, and played very  
00:14:44 4 important roles in different aspects of the negotiation.

00:14:48 5 Obviously there were other important lawyers  
00:14:50 6 involved in the negotiation. I've already mentioned by  
00:14:54 7 virtue of their roles on the Executive Committee and so  
00:14:57 8 forth and their state leadership roles. I also want to  
00:15:01 9 introduce the other members of the Plaintiff's Steering  
00:15:03 10 Committee who are here today: Wendy Fleishman, Larry  
00:15:07 11 Gornick, Seth Katz, Lenny Davis, Navan Ward, Peter  
00:15:11 12 Polos, Hezekia Sistrunk, and Esther Berezofsky. I hope  
00:15:17 13 I did not forget anybody.

00:15:19 14 There are many other lawyers on the  
00:15:21 15 Court-appointed committees who played important roles,  
00:15:23 16 others who did not have court appointments but who also  
00:15:27 17 played important roles, and we appreciate their work,  
00:15:29 18 some who are here today. We thank them, and we thank  
00:15:32 19 the clients who volunteered to be bellwether plaintiffs  
00:15:36 20 helping us to get here where we are today. Thank you.

00:15:40 21 THE COURT: Thank you, Ellen.

00:15:41 22 Ms. Sharko. I think I'm right.

00:15:51 23 MS. SHARKO: As is customary in these MDL  
00:16:00 24 case management conferences, Your Honor asks for a  
00:16:03 25 status report. This is the defense status report: We

00:16:06 1 have produced approximately 77 million pages of  
00:16:11 2 documents. We have produced approximately 60 company  
00:16:18 3 and third-party witnesses for depositions which were  
00:16:23 4 conducted over 100 days. The depositions span almost  
00:16:30 5 40,000 pages of transcript and were taken over  
00:16:33 6 approximately 1,000 hours.

00:16:38 7 We have prepared a number of cases for  
00:16:40 8 trials, two of them were tried to verdict. And among  
00:16:45 9 the other things done in trial preparation, we had over  
00:16:49 10 50 days of expert witness depositions.

00:16:53 11 And that is the discovery report from the  
00:16:55 12 defense.

00:16:56 13 THE COURT: Thank you.

00:16:57 14 I should announce that as of an hour ago,  
00:17:02 15 there were 8,598 cases filed in this MDL. That is in  
00:17:14 16 addition, obviously, to the cases filed and pending in  
00:17:20 17 state courts around the country, but in particular in  
00:17:24 18 the four state courts represented by the Judges today.

00:17:34 19 I believe next to address us is Mike Kelly.

00:17:40 20 MR. KELLY: Thank you, Your Honor. The MDL  
00:17:44 21 leadership has asked that I report on the discovery  
00:17:47 22 conducted today by plaintiffs. And let me first thank  
00:17:52 23 the leadership for letting me speak and for the Court's  
00:17:55 24 management of the MDL process. As this Court knows, I  
00:17:59 25 had the benefit of working in California as liaison

00:18:03 1 counsel under the supervision of Judge Kramer, who is a  
00:18:07 2 hugely experienced and well-respected judge in the area  
00:18:11 3 of complex litigation and mass torts in California. He,  
00:18:17 4 throughout the process, was fair, highly organized, and  
00:18:22 5 forward thinking in the way that he shaped what we did.  
00:18:25 6 I have had the benefit of working with very talented  
00:18:29 7 lawyers, many of whom are in this room, for the past  
00:18:31 8 three years; from New York and New Jersey, from Missouri  
00:18:36 9 and Florida, from Pennsylvania and Ohio, and certainly  
00:18:38 10 my home state from California. I note that Mr. Polos  
00:18:42 11 has been mentioned three times. I had a wager with Mr.  
00:18:46 12 Polos that he would not be mentioned more than three  
00:18:49 13 times. He's now been mentioned five times. And  
00:18:52 14 whatever his name, was we will not mention him again,  
00:18:55 15 Your Honor.

00:18:55 16 Over these three years, I, whose practice is  
00:18:59 17 predominantly not in the area of mass torts but in the  
00:19:03 18 area of individual representation of clients, have come  
00:19:06 19 to know and respect these lawyers who I think oftentimes  
00:19:10 20 in the popular press may be misrepresented in terms of  
00:19:14 21 what their goals and aims are. I am proud to stand with  
00:19:17 22 them as people who have sacrificed and invested time and  
00:19:21 23 their own money to represent these 12,000 or so people  
00:19:25 24 who have filed cases.

00:19:26 25 As Ms. Sharko has pointed out, depositions

00:19:30 1 have been taken of in excess of 50 company employees,  
00:19:34 2 former employees, consultants, and representatives with  
00:19:37 3 the aim of trying to find out why this device did not  
00:19:41 4 perform correctly, the manner in which it failed and/or  
00:19:45 5 caused injury, the manner in which it could be expected  
00:19:49 6 that a new device could be designed in the future to  
00:19:52 7 avoid these issues. We have retained and consulted with  
00:19:56 8 experts in the areas of engineering, of tribology, of  
00:19:59 9 patient safety, of immunology, of toxicology, of FDA, of  
00:20:07 10 orthopedic surgery, of device design. We have prepared  
00:20:13 11 cases for trial in New Jersey, in Illinois, in Florida,  
00:20:18 12 in California, with the assistance of the lawyers at the  
00:20:23 13 Panish, Shea & Boyle firm and the Gomez firm in San  
00:20:28 14 Diego. I had the privilege with Brian Panish and Peter  
00:20:32 15 Kaufman as well as John Gomez to try the first of these  
00:20:35 16 cases in Los Angeles Superior Court. The group together  
00:20:40 17 worked on that trial, as did the lawyers in Illinois,  
00:20:43 18 who with Denman Heard and Pete Flowers and a cast of  
00:20:48 19 many other lawyers who devoted and invested time and  
00:20:51 20 effort tried the second case. The Seeger Weiss team had  
00:20:54 21 a case ready to be tried in New Jersey, as did the Weitz  
00:21:00 22 & Luxenberg team; cases prepared in Florida and cases  
00:21:02 23 prepared by Mr. Flowers again set in December.

00:21:06 24 All of which, all of that effort, I think,  
00:21:09 25 taught us this: That these are highly technical, highly

00:21:13 1 complicated, very expensive cases to try. That with  
00:21:18 2 more than 8,000 plaintiffs who have undergone what we  
00:21:22 3 claim to be premature revisions, many of whose age  
00:21:27 4 demographic is somewhere in the 65 to 75 range, it would  
00:21:31 5 not be practical to try 6,000 to 7,000 cases at any  
00:21:35 6 point, for certainly the Courts could not handle that,  
00:21:39 7 and many of those clients would not survive both the  
00:21:41 8 wait or the ordeal of trial.

00:21:44 9 I think it was with those factors in mind  
00:21:46 10 that the leadership in the MDL together with the  
00:21:48 11 leadership in the cooperating jurisdictions set about  
00:21:52 12 the hard work of trying to negotiate a resolution that  
00:21:55 13 everyone felt would be appropriate for a large number of  
00:21:59 14 clients. I believe what is to be outlined today is  
00:22:02 15 appropriate for consideration by the clients in each of  
00:22:06 16 the cooperating jurisdictions, each individual in  
00:22:09 17 consultation with each individual's counsel to make an  
00:22:12 18 informed and appropriate decision in their case.

00:22:15 19 I appreciate this Court's forbearance if and  
00:22:20 20 when our activities in California seemed not to be right  
00:22:23 21 on the mark or right in lockstep with this Court. I can  
00:22:26 22 tell you that from my communications with all of the  
00:22:28 23 lawyers involved in this litigation in each of the  
00:22:31 24 cooperating jurisdictions and each of the state courts  
00:22:34 25 where lawyers individually were prosecuting their cases,

00:22:37 1 the aim of every plaintiff's lawyer I talked to over the  
00:22:40 2 last three years was the same, and that was to get a  
00:22:43 3 fair and just and final resolution for each one of their  
00:22:47 4 clients.

00:22:48 5 Thank you, Your Honor.

00:22:48 6 THE COURT: Thank you very much, Mr. Kelly.

00:22:55 7 Let me insert something at this juncture  
00:22:59 8 which we've talked about. Early on in this case, and  
00:23:06 9 certainly overshadowing, overhanging, if you will, the  
00:23:12 10 efforts at resolving this case by global settlement, I  
00:23:19 11 entered a confidentiality and non-disclosure order.

00:23:23 12 Why? As you've already heard, this has been a case  
00:23:33 13 which has been extremely hard fought. Clients  
00:23:40 14 representing their respective -- I mean lawyers  
00:23:44 15 representing their respective clients, although  
00:23:47 16 sometimes clients representing their lawyers. A lot of  
00:23:53 17 discovery, as you've heard, trials, et cetera.

00:24:00 18 The best chance, in my opinion, for  
00:24:04 19 resolution to benefit the parties, both the multiple  
00:24:09 20 plaintiffs and the defendants, was to conduct private  
00:24:17 21 negotiations; first among plaintiffs' leading lawyers,  
00:24:31 22 and then with the defendant's team. I wanted lawyers  
00:24:43 23 involved who could comply with this order of  
00:24:49 24 confidentiality, and I wanted lawyers involved about  
00:24:56 25 whom I spoke earlier and who ended up doing the work.

00:25:05 1 There's been a lot of speculation in the media, press  
00:25:12 2 releases, et cetera. This is a private global  
00:25:19 3 settlement arrangement. It was possible because of the  
00:25:28 4 cooperation we've talked about, and, if you will, the  
00:25:36 5 tremendous effort and ability of counsel on both sides  
00:25:42 6 of the litigation table. I cannot say that enough.  
00:25:49 7 You've heard me say it before. You've heard me say that  
00:25:55 8 when I spoke at various times and various locations at  
00:26:02 9 conferences. It's a truism.

00:26:10 10 Pete Flowers, I believe, is next to address  
00:26:14 11 us.

00:26:18 12 MR. FLOWERS: Thank you, Your Honor. Good  
00:26:21 13 afternoon. I've been asked today to speak about the  
00:26:23 14 Settlement Oversight Committee, Your Honor. As an  
00:26:25 15 initial statement, you had issued an order yesterday  
00:26:28 16 concerning that in a sealed order. I would ask your  
00:26:32 17 permission to unseal that order so I can speak about it.

00:26:37 18 THE COURT: That request is granted. The  
00:26:39 19 motion will be deemed unsealed as of this point.

00:26:42 20 MR. FLOWERS: Thank you, Your Honor.

00:26:44 21 I, like Mr. Kelly, am typically not involved  
00:26:47 22 in a lot of mass torts. I'm more of an individual  
00:26:50 23 lawyer. And this has been a great experience for me and  
00:26:53 24 an experience that I think everyone should undertake.  
00:26:56 25 You're really dealing with the best lawyers on both



00:27:00 1 sides of the fence. This litigation, in my personal  
00:27:04 2 opinion, it should be a model of future litigations,  
00:27:06 3 because what we had here is we had a Federal Court  
00:27:09 4 jurisdiction; we had four state jurisdictions that  
00:27:12 5 really at the outset came together and made a conscious  
00:27:16 6 decision to work together, to work together to promote  
00:27:19 7 the efficient and just resolution of this case.

00:27:24 8 Working with Mr. Skikos and Ms. Relkin has  
00:27:27 9 been a joy. I spent a lot of time with Mr. Kelly;  
00:27:29 10 that's been somewhat of a joy.

00:27:33 11 THE COURT: Truisms.

00:27:35 12 MR. FLOWERS: I've met all these folks back  
00:27:37 13 here and worked with each of them. They're all  
00:27:39 14 excellent lawyers, and it's been very exciting. I got  
00:27:42 15 to know Mr. Tucker and Ms. Sharko, Mr. O'Shaughnessy;  
00:27:46 16 all good people and advocate hard for their positions.  
00:27:49 17 I think at the end of the day this is a just resolution  
00:27:52 18 to a difficult situation.

00:27:54 19 In terms of the Settlement Oversight  
00:27:57 20 Committee, with your help, Your Honor, when the  
00:28:02 21 discussion of resolution began, we on the plaintiff's  
00:28:05 22 bar once again banded together to really say to  
00:28:09 23 ourselves, let's sit down and try and figure out a  
00:28:13 24 resolution to this. And I have to say that Mr. Skikos  
00:28:17 25 and Ms. Relkin were kind of in charge of making sure our

00:28:21 1 group banded together and did a good job of it. We all  
00:28:24 2 sat down. We've been through hours, days, weeks, months  
00:28:27 3 of discussion. We've reached what we all believe is a  
00:28:30 4 very positive resolution to a difficult situation. And  
00:28:35 5 from our client's perspective, it is a very good  
00:28:39 6 resolution to a difficult situation.

00:28:43 7 As part of that, Your Honor, you entered an  
00:28:46 8 order creating what's called the Settlement Oversight  
00:28:49 9 Committee and named essentially mostly people that have  
00:28:54 10 been involved, actually all people that have been  
00:28:57 11 involved in this litigation for a long time; that is,  
00:29:01 12 Steve Skikos, Ellen Relkin, Mike Kelly, Eric Kennedy,  
00:29:07 13 myself, Mr. Polos, who gets to be mentioned again, Brian  
00:29:12 14 Divine, Mark Robinson, Ben Gordon, Larry Gornick, Chris  
00:29:17 15 Seeger, Ed Blizzard, Jane Conroy, and Michelle Kranz.  
00:29:21 16 These are all people I've been working with essentially  
00:29:23 17 for three years. We're tasked with the responsibility,  
00:29:27 18 according to your order and our own internal  
00:29:30 19 conversations, of making sure this resolution goes  
00:29:33 20 efficiently and justly, which we've all committed to do.  
00:29:37 21 We all realize that this is not a week, a month,  
00:29:39 22 six-month job. This is going to be a big job, and we're  
00:29:42 23 all committed to doing it.

00:29:44 24 I have to say I hadn't met you before, Your  
00:29:47 25 Honor. I appreciate the opportunity to work with you,

00:29:49 1 enjoyed it. I also hadn't met Judge Kramer, and  
00:29:52 2 haven't, or Martinotti or Mittelstaedt, but I understand  
00:29:56 3 from all the lawyers here they've done a wonderful job.  
00:29:59 4 I know Judge Dooling quite well, and I appreciate her  
00:30:02 5 dealing with all my intricacies over the last couple of  
00:30:05 6 years.

00:30:06 7 So thank you, Your Honor. I look forward to  
00:30:07 8 helping make sure this resolution is complete.

00:30:09 9 THE COURT: Thank you very much.

00:30:12 10 Ms. Sharko.

00:30:16 11 MS. SHARKO: May it please the Court, here  
00:30:24 12 with me today are my co-counsel, John O'Shaughnessy, Bob  
00:30:31 13 Tucker, Zoha Barkeshli, and Kristin Mayer.

00:30:35 14 Your Honors, on behalf of the men and women  
00:30:39 15 of DePuy Orthopedics, our legal team, and with thanks to  
00:30:44 16 Mr. Skikos and Ms. Relkin and their leadership team, we  
00:30:50 17 are pleased to advise Your Honors that the parties have  
00:30:54 18 reached agreement on a private settlement program for  
00:30:59 19 patients who are U.S. citizens and residents who had the  
00:31:05 20 ASR hip implanted in the United States and had surgery  
00:31:11 21 to replace the ASR hip before August 31, 2013.

00:31:19 22 Now, this has been a very long and winding  
00:31:23 23 road. It was a very hard fought negotiation over many  
00:31:28 24 months. We argued and debated over pretty much every  
00:31:33 25 word and every concept. We were still negotiating and

00:31:37 1 drafting the agreement until we walked in the courthouse  
00:31:41 2 this morning and it was signed. The settlement is  
00:31:46 3 valued at approximately \$2.475 billion, assuming that  
00:31:55 4 approximately 8,000 patients participate.

00:32:01 5 We all believe and we hope that Your Honors  
00:32:07 6 likewise will believe that this is a program which is  
00:32:10 7 good for patients, which helps bring finality to all the  
00:32:14 8 litigation, and which takes us in a new direction.  
00:32:20 9 Detailed information about the U.S. settlement program  
00:32:25 10 will be posted at the claims processor website, which  
00:32:29 11 should be in operation at the conclusion of this  
00:32:32 12 hearing. That is different from some rogue websites  
00:32:38 13 which appear to have already been started by lawyers not  
00:32:41 14 involved in the negotiations. The U.S. settlement  
00:32:47 15 program official website will be updated regularly, so  
00:32:51 16 check back often.

00:32:52 17 But here are some of the details of the  
00:32:54 18 program:

00:32:56 19 Eligibility. In order to participate in the  
00:33:00 20 U.S. program, a patient must be a U.S. citizen or  
00:33:04 21 resident, have been implanted with the ASR XL acetabular  
00:33:11 22 hip system or the ASR hip resurfacing system in a  
00:33:16 23 surgery which took place in the United States or at a  
00:33:20 24 U.S. military hospital. You must have had the ASR  
00:33:27 25 removed for reasons related to the recall on or before

00:33:31 1 August 31, 2013 after being in place for more than 180  
00:33:40 2 days. If you do not already have a lawyer, you do not  
00:33:43 3 need to go out and hire one, nor do you need a pending  
00:33:46 4 lawsuit to participate in this program, which will  
00:33:51 5 resolve the claims of unrepresented people on a  
00:33:54 6 comparable basis. Claim forms and registration packets  
00:33:58 7 will be available in the coming days through your  
00:34:02 8 lawyers or on the website of the administrator.

00:34:07 9 The U.S. program is structured in two parts,  
00:34:10 10 just very briefly.

00:34:12 11 Part A. Under Part A of the program,  
00:34:15 12 patients who are qualified to participate will receive  
00:34:21 13 one base award of \$250,000 subject to potential  
00:34:28 14 reductions.

00:34:32 15 Under Part B of the program, supplemental  
00:34:34 16 awards will be made to patients who can demonstrate that  
00:34:38 17 they have extraordinary injuries related to the removal  
00:34:42 18 of their ASR; for example, people who require multiple  
00:34:46 19 hip surgeries following their ASR implant or rerevision  
00:34:51 20 surgeries; people who have experienced extraordinary  
00:34:55 21 medical events during the revision surgery, such as  
00:34:58 22 heart attack or stroke. And the list goes on from  
00:35:02 23 there.

00:35:04 24 Qualifying for a base award in Part A does  
00:35:08 25 not automatically entitle a patient to a supplemental

00:35:12 1 award in the second part of the program. Medical  
00:35:16 2 records must be produced to document all claims for  
00:35:19 3 supplemental awards and the base award.

00:35:25 4 In addition to these benefits, DePuy will be  
00:35:28 5 responsible for the negotiation and resolution of  
00:35:34 6 certain liens by qualified lienholders for medical care  
00:35:39 7 directly associated with revision surgery and certain  
00:35:43 8 other treatment.

00:35:48 9 This is a private resolution and not a class  
00:35:51 10 action settlement. It does not require court approval.

00:35:57 11 And it is the only settlement program available for  
00:36:01 12 patients who have been revised as of August 31, 2013.

00:36:07 13 This is the settlement program.

00:36:12 14 The detailed terms and conditions are set  
00:36:14 15 forth in the final settlement agreement.

00:36:18 16 We're most grateful to Your Honors, Judge  
00:36:22 17 Katz in the MDL, Judge Martinotti in New Jersey, Judge  
00:36:25 18 Kramer in California, Judge Dooling in Illinois, Judge  
00:36:29 19 Mittelstaedt in Maryland for your careful and fair  
00:36:34 20 management of this large litigation. We truly  
00:36:37 21 appreciate the confidence you had in us, in all of us,  
00:36:43 22 and your giving us the time and space we needed for  
00:36:47 23 these complex negotiations.

00:36:51 24 We hope that you will now give U.S. patients  
00:36:54 25 and their lawyers around the country the time and space

00:36:57 1 they need to consider carefully the benefits of this  
00:37:01 2 important program so that they can make an informed  
00:37:05 3 personal decision on whether participation is good for  
00:37:11 4 them. Each eligible patient must have the right and  
00:37:16 5 ability to consider the benefits of this program and to  
00:37:19 6 receive accurate and objective information about it, not  
00:37:23 7 rumor and speculation.

00:37:27 8 As for patients who are not eligible for the  
00:37:31 9 U.S. program because they have not been revised, DePuy's  
00:37:35 10 Broadspire program is available to them. It's important  
00:37:39 11 to note that this product continues to perform well for  
00:37:42 12 some people, and the decision whether to be revised is a  
00:37:47 13 medical decision; it's not a legal decision. It should  
00:37:51 14 be made by patients with their surgeons. We all,  
00:37:57 15 plaintiff and defense, have worked very hard on this  
00:38:00 16 program, wrestling over many issues over long nights and  
00:38:06 17 days. We now come together with the common goal of  
00:38:10 18 assuring that each eligible patient has the opportunity  
00:38:15 19 to evaluate the program objectively and in good faith  
00:38:20 20 and to reap the benefits of it.

00:38:23 21 Thank you.

00:38:24 22 THE COURT: Thank you very much, Susan.

00:38:34 23 Mr. Skikos.

00:38:38 24 MS. SKIKOS: Susan has accurately presented  
00:38:45 25 the essential terms of the deal. I am going to try to

00:38:50 1 get us home. So we have three more speakers, and I  
00:38:54 2 will -- Michelle Kranz is going to talk about  
00:38:58 3 registration; Ed Blizzard and Eric Kennedy are going to  
00:39:03 4 talk about some of the people who we've already hired to  
00:39:06 5 assist with this process and with the informed consent  
00:39:11 6 and the special masters. We're also going to talk about  
00:39:17 7 the important issue of when you might get paid.

00:39:21 8 So before we get there, let me go through  
00:39:25 9 some of the essential terms from the plaintiff's  
00:39:27 10 perspective. Susan did accurately state the eligibility  
00:39:32 11 requirements. With respect to eligibility, those  
00:39:39 12 patients who have not been revised prior to August 31,  
00:39:42 13 2013, and those patients who have not been revised now,  
00:39:48 14 we will continue our efforts with respect to those  
00:39:53 15 patients. This MDL group and state court group has  
00:39:59 16 committed at the beginning to work together for both the  
00:40:02 17 revised and unrevised patients. At the very first MDL  
00:40:06 18 hearing I said with respect to the unrevised, those  
00:40:09 19 patients have the right to make an informed decision  
00:40:12 20 based upon facts that are medically available, and the  
00:40:18 21 decision with respect to revision is a medical one with  
00:40:22 22 their doctors and their families; it is not a legal one,  
00:40:25 23 and we agree with that.

00:40:27 24 With respect to the patients who have been  
00:40:29 25 revised and are eligible, the exclusions from the



00:40:36 1 program are limited. The revision must take place  
00:40:40 2 within the first 180 days of implantation. You can  
00:40:46 3 still enroll, and there may be circumstances in which  
00:40:49 4 the parties, namely the defense, will allow that case to  
00:40:53 5 come in. And there are some of those cases. If the  
00:40:57 6 revision is caused by infection or trauma, there is a  
00:41:02 7 very specific set of criteria that we negotiated over a  
00:41:08 8 very long period of time that address infection and  
00:41:11 9 trauma cases.

00:41:12 10 Otherwise, you are free to come into the  
00:41:16 11 program. And we encourage people to come into the  
00:41:21 12 program who have qualified. If you are a U.S. patient  
00:41:26 13 implanted in the United States, and you have the  
00:41:29 14 qualifying device, and a revision surgery, you are  
00:41:34 15 qualified if you meet the criteria, and we encourage you  
00:41:38 16 to enroll.

00:41:39 17 With respect to enrollment, the number  
00:41:43 18 8,000 -- and there has been a lot of speculation about  
00:41:47 19 this, but the number 8,000 is an estimate based upon the  
00:41:51 20 evaluation of shared data among the various state  
00:41:55 21 courts, which I hope to be a model for future  
00:41:59 22 litigations because we were able to make informed  
00:42:03 23 decisions regarding settlement because we had  
00:42:06 24 information from all of the state courts with  
00:42:09 25 significant numbers of cases, and the lawyers who had

00:42:12 1 those cases shared. The great majority of law firms in  
00:42:17 2 this country, the great majority, would show up to the  
00:42:21 3 meetings, would share their data, would put together  
00:42:24 4 these preliminary disclosure forms, and we were able to  
00:42:28 5 make some very solid estimates as to the number of  
00:42:31 6 people who have been revised. However, there is no  
00:42:36 7 limit in this settlement to the number of eligible  
00:42:40 8 patients who can enroll and participate. Again, there  
00:42:43 9 is no limit. If you qualify and you enroll, you can  
00:42:52 10 participate. Even if there's 10,000 revisions right  
00:42:56 11 now, or 9,000. We don't have the exact number; there's  
00:42:59 12 no way to do that right now. But it's very clear, their  
00:43:04 13 funding requirements are based upon ratio. So the base  
00:43:11 14 payment would be 8,000 leading to a maximum of  
00:43:16 15 \$2 billion; and the Part B payment, based upon 8,000,  
00:43:21 16 would lead to a maximum of \$475 million. So I want  
00:43:26 17 there to be no confusion with respect to those who might  
00:43:29 18 report about this. There is no limit to the number of  
00:43:33 19 people who can participate in this program so long as  
00:43:36 20 they qualify.

00:43:38 21 With respect to the unrevised patients, all  
00:43:41 22 of your legal rights, your claims are preserved. So  
00:43:47 23 wherever the defenses, wherever you are right now, your  
00:43:52 24 rights are preserved under this agreement. This  
00:43:54 25 agreement will not affect you.

00:43:56 1 With respect to the lawyers in this  
00:43:59 2 litigation, we represent both revised and unrevised  
00:44:05 3 patients. And it is our job to make sure that we  
00:44:09 4 continue that representation, and we are all committed  
00:44:13 5 to do so.

00:44:16 6 Now let's talk about the base program. The  
00:44:18 7 base program is distinguished from the extraordinary  
00:44:22 8 injury or Part B program. The base program is for  
00:44:27 9 somebody who simply had an implantation and revision.  
00:44:32 10 So we are trying -- our group is trying to make the  
00:44:36 11 enrollment for the base program as simple as possible.  
00:44:41 12 There are those reductions within base that the parties  
00:44:45 13 have agreed to, and those include smoking, BMI, ASR as a  
00:44:52 14 revision device, length of use, and death unrelated to  
00:44:55 15 the revision. And the specific terms of that will be  
00:44:58 16 set out in the master settlement agreement.

00:45:02 17 With respect to Part B, there are three  
00:45:07 18 elements to that program. The three elements are  
00:45:14 19 bilaterals, so a patient had an ASR hip on the right,  
00:45:17 20 and it's revised, and an ASR hip on the left, and it's  
00:45:22 21 revised. You are eligible to participate in Part B as a  
00:45:26 22 bilateral patient.

00:45:27 23 If you had an ASR on one hip that's been  
00:45:33 24 revised and an ASR on the other hip that has not been  
00:45:37 25 revised, your claims with respect to that second hip are

00:45:40 1 preserved.

00:45:43 2 We believe that the litigation outcome with  
00:45:45 3 respect to unrevised patients should wait, from our  
00:45:52 4 perspective, until the patient had an opportunity to  
00:45:55 5 find out what's going to happen to them medically, and  
00:45:58 6 that should be the way things proceed, is that the  
00:46:02 7 medical should be in charge before the legal, and not  
00:46:06 8 the other way around.

00:46:08 9 With respect to rerevisions, a number of  
00:46:11 10 patients have unfortunately had a revision and then  
00:46:14 11 subsequent rerevisions because the revision didn't work.  
00:46:18 12 This program pays or compensates those patients.

00:46:23 13 And this Part B program is in the care of  
00:46:32 14 the Settlement Oversight Committee and a team of special  
00:46:36 15 masters that Mr. Kennedy will go over, and it will be  
00:46:40 16 our obligation to make sure that the patients who enter  
00:46:44 17 this program know what the categories of compensation  
00:46:48 18 are and how to qualify and what documentation is  
00:46:52 19 necessary. But there will be, from our perspective,  
00:46:58 20 significant payments to patients who have had bilateral  
00:47:04 21 double revisions and patients with rerevisions.

00:47:08 22 There is another category within the  
00:47:11 23 settlement which are extraordinary injury categories.  
00:47:15 24 And there are eight of them. So if, unfortunately,  
00:47:20 25 somebody died as a result of their revision surgery,

00:47:23 1 that is a recognized category of compensation. Same  
00:47:27 2 thing with myocardial infarction, stroke, pulmonary  
00:47:32 3 embolism, DVT, all of those are categories of  
00:47:36 4 compensation resulting from a revision surgery, and they  
00:47:41 5 will be paid for. Dislocation, foot drop are also  
00:47:46 6 categories of compensation that are within the  
00:47:49 7 extraordinary injury fund.

00:47:53 8 We also have a category for infection that  
00:47:56 9 is, let's say, complicated. But the patients will have  
00:48:02 10 an opportunity to review the infection program related  
00:48:05 11 to the revision surgery very soon.

00:48:09 12 This settlement is also unique in a certain  
00:48:12 13 sense in that we are -- we are taking into consideration  
00:48:17 14 future rerevisions. So if you had a revision surgery  
00:48:22 15 within the last year, there might be a fear, a concern  
00:48:29 16 that what happens if I have a rerevision? What happens  
00:48:34 17 if this hip implant doesn't work? This program takes  
00:48:40 18 that into consideration, and future rerevisions are a  
00:48:43 19 factor. The parties, and to DePuy's credit, to  
00:48:48 20 Johnson & Johnson's credit, they agree that the patient  
00:48:51 21 should be allowed some compensation within our program  
00:48:54 22 for that.

00:48:56 23 And then there is a fourth category within  
00:48:59 24 Part B, which is, what I'll say, within our control, and  
00:49:05 25 that is the special circumstances fund. And the special

00:49:09 1 circumstances fund are other categories of injuries  
00:49:12 2 beyond what we agreed to with respect to bilaterals and  
00:49:16 3 rerevisions and extraordinary injuries that the  
00:49:20 4 patients, before they enter the program, will have the  
00:49:23 5 opportunity to review and make an informed decision on.  
00:49:27 6 And this has been, the creation of the Part B program,  
00:49:32 7 for the patients who had the most significant injuries  
00:49:36 8 resulting from the revision, was something that this  
00:49:40 9 group has put together in cooperation with Johnson &  
00:49:44 10 Johnson to make sure that the people who had the worst  
00:49:46 11 outcomes are taken care of.

00:49:49 12 We have another element of this settlement  
00:49:53 13 that is hopefully going to be a model. We believe  
00:49:57 14 strongly in the informed consent process. And the power  
00:50:02 15 of settlement belongs not -- belongs with the individual  
00:50:07 16 patient. It is a truism that each of us believe that  
00:50:16 17 the patient should have the right to know what the  
00:50:19 18 settlement terms are, what the offer is, what the  
00:50:23 19 categories of compensation are, and together with their  
00:50:26 20 lawyer make an individual decision. We have decided in  
00:50:31 21 this settlement, because there are over 1,000 law firms,  
00:50:36 22 maybe more, with cases, that we were going to make  
00:50:41 23 certain individuals with actual knowledge about this  
00:50:45 24 settlement available beyond this Settlement Oversight  
00:50:50 25 Committee so that the patients and their lawyers can

00:50:55 1 stop bothering Michelle and go to actual people with  
00:51:00 2 knowledge of the case and knowledge of the settlement  
00:51:03 3 and get real answers. So we plan on having the informed  
00:51:10 4 consent documentation done relatively soon.

00:51:14 5 Susan is absolutely correct. This deal,  
00:51:17 6 despite reports that may have been to the contrary, got  
00:51:20 7 signed today. It got entered today. The negotiations  
00:51:26 8 relating to this deal continued last night and up  
00:51:31 9 through this afternoon. So it is our job now to turn to  
00:51:36 10 the patients and their lawyers and try to get them the  
00:51:39 11 information they need to enroll in the program and to  
00:51:43 12 make some informed decisions relating to participation.

00:51:48 13 Liens. At the beginning when the product  
00:51:56 14 was recalled, Johnson & Johnson sent up Broadspire. We  
00:52:04 15 had some debates about that during the course of the  
00:52:06 16 litigation. But to their credit, in this settlement, we  
00:52:11 17 are happy to report that DePuy will be responsible for  
00:52:15 18 the negotiation and resolution of the assumed liens  
00:52:19 19 asserted by qualified lienholders that are identified by  
00:52:22 20 qualified patients. What does that mean? That means  
00:52:26 21 that assumed liens are those directly associated with a  
00:52:34 22 compensable revision. There are not a lot of  
00:52:40 23 settlements in which the patient going into the  
00:52:44 24 settlement will have a very good understanding of what  
00:52:48 25 they will net out of the settlement because they

00:52:52 1 didn't -- because now they don't have to worry about  
00:52:56 2 these types of liens. And I have already drafted, and  
00:53:01 3 it will come out soon, a point-by-point analysis  
00:53:08 4 relating to the liens. So hopefully the patients will  
00:53:14 5 have an opportunity to make sure that when they enter  
00:53:19 6 the program, they are going to know what they're going  
00:53:22 7 to get.

00:53:23 8           And the liens, which have been a tremendous  
00:53:27 9 burden for those of us who have been doing these types  
00:53:31 10 of cases -- I've been doing these types of cases for 23  
00:53:34 11 years. Liens, if you take them seriously, which we do,  
00:53:37 12 take a long time to resolve. And we very much believe  
00:53:41 13 that this settlement does something very important for  
00:53:44 14 the patients on this issue.

00:53:47 15           With that, let me talk briefly about  
00:53:51 16 registration and turn it over. In the Gadolidium  
00:54:01 17 litigation we started sharing specific information  
00:54:07 18 relating to the cases with your friend, Judge Polster.  
00:54:11 19 And it helped not only frame the litigation, but frame  
00:54:16 20 the resolution. In this case we have the four  
00:54:23 21 cooperating jurisdictions; we have a group of lawyers  
00:54:28 22 who decided that they were going to work together and  
00:54:31 23 put all the ego and all that stuff that happens in this  
00:54:34 24 type of case aside and share things. The registration  
00:54:40 25 order that we are going to propose to the Court is an



00:54:44 1 order that allows the parties to get more information,  
00:54:50 2 to make more informed decisions about the future. It  
00:54:53 3 also designates a primary counsel, one person  
00:54:59 4 responsible to you and all the coordinating courts for  
00:55:03 5 each case so that we can get information and they can  
00:55:09 6 receive information, not only about this settlement, but  
00:55:12 7 about this litigation. Managing 1,000 law firms,  
00:55:16 8 Michelle had a great time trying, but it's very hard to  
00:55:19 9 do. So this is going to help.

00:55:21 10 So I forgot one other speaker, Chris Seeger.  
00:55:24 11 But right now I'm going to turn it over to Michelle,  
00:55:27 12 Eric, and Chris. Thank you.

00:55:51 13 THE COURT: I want to emphasize a point that  
00:55:58 14 both previous speakers, Susan Sharko and Steve Skikos,  
00:56:06 15 raised. It is clear to everyone involved in this case,  
00:56:16 16 both in federal and state courts, that there will be  
00:56:20 17 those who will try to take advantage of this settlement  
00:56:24 18 situation, may even have websites and advertise that  
00:56:32 19 they have information. Those websites and ads may not  
00:56:41 20 be accurate. So I say to all, not those just here, but  
00:56:49 21 those around the country, please rely only on the  
00:56:56 22 official claims administrator websites and those  
00:57:03 23 attorneys who have the correct information as the result  
00:57:10 24 of their involvement in this matter, and that will serve  
00:57:16 25 you well. Thank you.

00:57:18 1 Eric, please proceed.

00:57:20 2 MR. KENNEDY: Eric Kennedy. Your Honor,  
00:57:22 3 it's a pleasure again to be before you and the other  
00:57:27 4 Judges that are participating here today. We thank you  
00:57:29 5 for your efforts in getting us to where we are today,  
00:57:33 6 obviously the benefits that are outlined in this  
00:57:38 7 resolution, as Steve and Susan have talked about.  
00:57:42 8 Obviously they are critically important to the claimants  
00:57:45 9 in this case, and of great interest. What doesn't,  
00:57:49 10 though, get the headlines, the New York Times, the Wall  
00:57:52 11 Street Journal, Bloomberg, what doesn't get the  
00:57:55 12 headlines is the process, The process by which these  
00:57:58 13 benefits go from abstracts and words in the settlement  
00:58:02 14 agreement to the claimants. Critically important. We  
00:58:06 15 are confident, though, Your Honor that the structure  
00:58:10 16 that we have in place and the people that we have in  
00:58:13 17 place will insure an efficient and timely and fair, fair  
00:58:20 18 distribution of benefits from the settlement agreement  
00:58:22 19 and its implementation to the claimants.

00:58:26 20 At the first level, at the first level of  
00:58:29 21 benefit or claim determination, we have agreed and we  
00:58:33 22 have retained BrownGreer, a law firm to do the initial  
00:58:36 23 determination of benefits. They are a nationally  
00:58:39 24 recognized law firm and organization in this area. I  
00:58:43 25 would say without question they are probably the most

00:58:46 1 experienced organization in the country with respect to  
00:58:49 2 the processing and implementation of a mass tort  
00:58:53 3 national resolution as we have here today. They have  
00:58:59 4 already established a website. When I stood up today I  
00:59:02 5 think that was the queue to e-mail them to come live  
00:59:05 6 with the website. So that the claims process will be  
00:59:08 7 handled virtually -- for the most part all can be done  
00:59:11 8 online. It is up and running as I speak. That website  
00:59:16 9 is USAASRsettlement.com. What is currently on that  
00:59:23 10 website is an overview of this settlement, very similar  
00:59:27 11 to what has been presented to the Court thus far. By  
00:59:30 12 Friday of this week we anticipate that the settlement  
00:59:34 13 agreements that we've all talked about, signed today,  
00:59:37 14 approximately 100 pages, that will be posted by Friday.  
00:59:41 15 The claim form for the base payment for an uncomplicated  
00:59:44 16 revision surgery will be posted by Friday. The  
00:59:47 17 registration process will also be posted by Friday.  
00:59:51 18 Shortly thereafter we anticipate that there will be  
00:59:54 19 guide type booklets that will be posted which will  
00:59:58 20 simplify the process of filing claims, and the details  
01:00:01 21 of extraordinary injury fund that Steve talked about  
01:00:04 22 will also be posted. It will be a dynamic website.  
01:00:08 23 People should check it consistently because we will  
01:00:11 24 continuously add to it to clarify the benefits of the  
01:00:17 25 resolution.

01:00:18 1 Important for people to note in this  
01:00:20 2 process, that it will be a first in, first out; so that  
01:00:23 3 the earlier that you file your claim, the earlier you  
01:00:26 4 will receive your benefit.

01:00:29 5 With respect to the first level of review  
01:00:32 6 after the initial determination of a claim by  
01:00:36 7 BrownGreer, we have a system of three special masters.  
01:00:39 8 We have agreed upon and retained Retired Judge Marina  
01:00:44 9 Corodemus, Retired Judge John Trotter, and nationally  
01:00:48 10 recognized mediator and arbitrator Cathy Yanni. We've  
01:00:53 11 also created a position of a Chief Claims Administrator,  
01:00:57 12 Judge James McMonigle, Retired Judge, will occupy that  
01:01:01 13 role. I'm certain the Court is probably familiar with  
01:01:05 14 his reputation here in Ohio, his work over the years, a  
01:01:09 15 sitting state court judge for close to 20 years in the  
01:01:12 16 State of Ohio, nationally -- certainly in the midwest  
01:01:16 17 and nationally recognized mediator and arbitrator. He  
01:01:19 18 has administered settlements of this sort, respected by  
01:01:24 19 the plaintiff's bar, respected by the defense bar. His  
01:01:27 20 role, basically he will be the final arbiter. He will  
01:01:29 21 provide the final review in the claims process under  
01:01:31 22 most circumstances and situations. He will also be  
01:01:36 23 providing general oversight and management of the  
01:01:39 24 resolution and its implementation consistent with the  
01:01:43 25 terms of the implementation. So the buck will stop with

01:01:46 1 him.

01:01:46 2 With that, Your Honor, we are -- again, we  
01:01:50 3 are confident this structure and the particular people  
01:01:53 4 that we've involved in this process will be such that we  
01:01:56 5 will not disappoint this Court nor the claimants nor the  
01:01:59 6 attorneys that have gathered today and across the  
01:02:02 7 country to provide, again, a fair, timely, and efficient  
01:02:07 8 claims process.

01:02:09 9 THE COURT: Thank you very much.

01:02:21 10 Michelle.

01:02:23 11 MS. KRANTZ: Thank you, Your Honor. May it  
01:02:25 12 please the Court. For almost 20 years I've had the  
01:02:27 13 opportunity to appear in front of Your Honor. I've  
01:02:30 14 brought countless clients and cases before Your Honor.  
01:02:33 15 This is home. This is my home court. You're my home  
01:02:35 16 Judge. But three years ago you assigned me the  
01:02:38 17 responsibility and the duties that go along with being  
01:02:41 18 liaison counsel in this litigation. In turn, I  
01:02:44 19 immediately had the opportunity to meet with and work  
01:02:47 20 with, truly, some of the most skilled and talented  
01:02:51 21 lawyers in the country. Now, my assigned duties  
01:02:55 22 included communicating with thousands of state and  
01:02:58 23 federal clients, with thousands of state and federal  
01:03:02 24 attorneys, communicating orders, communicating  
01:03:05 25 information from our leadership, communicating

01:03:08 1 information sometimes necessary for the defense, and  
01:03:11 2 certainly responding to, as has already been alluded to,  
01:03:15 3 a relatively large number of questions. While certainly  
01:03:19 4 a very pleasurable experience, it sometimes was somewhat  
01:03:23 5 daunting.

01:03:23 6 And I would certainly be remiss if I did not  
01:03:26 7 take a moment to mention my defense liaison colleague,  
01:03:30 8 Kristin Mayer. Now, I can assure you that the  
01:03:32 9 plaintiffs' lawyers did not always hear from Kristin the  
01:03:35 10 answers that they necessarily wanted, but I can  
01:03:37 11 certainly tell you that Ms. Mayer's efforts reflected a  
01:03:41 12 very thorough and accurate effort to respond to those  
01:03:44 13 questions; I think, most importantly to me, timely  
01:03:47 14 response to those questions.

01:03:50 15 So now my role is somewhat modified from  
01:03:53 16 what Your Honor assigned me three years ago. I will no  
01:03:56 17 longer focus exclusively on the litigation in this case,  
01:03:58 18 but certainly turn to the additional duties that may now  
01:04:01 19 become incumbent upon me as we move through a portion of  
01:04:04 20 the settlement.

01:04:06 21 As Steve has already alluded to, the first  
01:04:09 22 thing for those in this courtroom and those reading this  
01:04:11 23 transcript that they will need to do is familiarize  
01:04:15 24 themselves with the concept of the registration order  
01:04:18 25 that we will be proposing and asking Your Honor to

01:04:20 1 submit. That will be a joint and stipulated request.  
01:04:25 2 Essentially it is going to require all attorneys who are  
01:04:28 3 opting to enter this settlement program to register both  
01:04:32 4 their filed and unfiled cases. Secondly to that,  
01:04:38 5 they will be required to file both their revised and  
01:04:41 6 unrevised cases as a portion of this order that we are  
01:04:44 7 asking Your Honor to consider entering.

01:04:47 8 Steve has already also alluded to the  
01:04:49 9 concept of, for administrative purposes, designating a  
01:04:53 10 primary law firm. Again, for attorneys reviewing this  
01:04:56 11 transcript, it is certainly at this moment we would ask  
01:04:59 12 you to begin to contemplate who that principal contact  
01:05:03 13 person will be for all of us working on these settlement  
01:05:07 14 programs. That may require some coordinating efforts  
01:05:09 15 with those of you who have secured referrals from other  
01:05:13 16 attorneys, but it is imperative for both sides to move  
01:05:16 17 forward in an efficient process and to bring this matter  
01:05:19 18 to the swift conclusion that we believe both sides  
01:05:22 19 endeavor to do that those particular designations be  
01:05:26 20 taken particularly seriously.

01:05:28 21 Also let us be clear; the registration order  
01:05:31 22 that we are proposing is distinct from the enrollment  
01:05:36 23 and the claims forms in somewhat of the outline that Mr.  
01:05:40 24 Kennedy has already provided and will be coming from the  
01:05:43 25 claims administration forms. The registration

01:05:48 1 information that we will be seeking is basic information  
01:05:51 2 that is very much consistent with what has already been  
01:05:55 3 provided during the course of the plaintiff's  
01:05:57 4 preliminary disclosure forms. It does require a slight  
01:06:01 5 more detail with regard to dates, locations, and  
01:06:05 6 additional information of the primary law firms, but we  
01:06:08 7 do expect that the parties involved in this will be able  
01:06:12 8 to secure that information very quickly.

01:06:15 9 We are anticipating requesting the Court  
01:06:17 10 order the completion of the registration forms in  
01:06:19 11 approximately early January, and those will be also  
01:06:22 12 available through the claims administrator websites.

01:06:28 13 For those attorneys again in the courtroom  
01:06:30 14 and reviewing the transcript at a later time, we will  
01:06:33 15 notify you when those forms are ready. Those will take  
01:06:37 16 the form of e-mail communication which, for those  
01:06:40 17 attorneys who are MDL attorneys or who have signed a  
01:06:43 18 participation agreement, they will continue to receive  
01:06:46 19 direct notification from me as liaison counsel. There  
01:06:49 20 will also be posted to the plaintiff's only website, a  
01:06:53 21 website that has been maintained throughout this  
01:06:56 22 litigation, the same information. Again, you must be an  
01:06:59 23 MDL attorney; you must have signed the participation  
01:07:02 24 agreement, and you must have acquiesced to the  
01:07:05 25 continuing confidentiality order as it relates to



01:07:08 1 substantive matters in this case.

01:07:10 2 Finally, again, you'll be able to secure  
01:07:11 3 information related to the registration form directly  
01:07:13 4 from the claims administrator.

01:07:15 5 Ultimately this information, Your Honor, is  
01:07:18 6 designed to assist the parties in administering and  
01:07:21 7 organizing this settlement, meant to ultimately help  
01:07:24 8 expedite these matters, and certainly it is critical for  
01:07:27 9 both sides to allow us to make informed decisions and  
01:07:31 10 all litigants and parties to make informed decisions by  
01:07:34 11 reviewing this information.

01:07:35 12 Again, Your Honor, it has been a pleasure,  
01:07:37 13 and thank you for the opportunity to have served in this  
01:07:40 14 role.

01:07:48 15 THE COURT: Mr. Seeger -- I'm sorry; who's  
01:07:57 16 going first?

01:07:58 17 MR. SEEGER: I get to go. Hi, Judge Katz,  
01:08:03 18 and hello to the Judges attending by video conferencing.  
01:08:07 19 I just have a very brief part here. I wanted to make  
01:08:09 20 the Court aware that we have prepared a brief I would  
01:08:14 21 like to submit to Your Honor whenever you're ready for  
01:08:16 22 it on common benefit assessment. Just briefly, so for  
01:08:20 23 people listening, if they want to know what's in it, it  
01:08:24 24 will be seeking a five percent assessment with regard to  
01:08:26 25 attorney's fees, and a one percent with regard to costs.

01:08:29 1 Now, in the brief you'll see that if you compare that to  
01:08:31 2 other litigations like this, that's actually much lower  
01:08:37 3 than some cases that are even larger. In Vioxx, for  
01:08:40 4 example, we sought an eight percent assessment.  
01:08:42 5 Ultimately Judge Fallon awarded six and a half. That  
01:08:45 6 was a \$4.85 billion settlement.

01:08:48 7 A couple of important things about this.  
01:08:50 8 This is sort of a way to make fair the fact that all  
01:08:53 9 these phenomenon attorneys, most of whom are in the room  
01:08:56 10 and elsewhere, worked very hard on this case, trying  
01:08:59 11 cases, preparing cases, doing discovery, spending hours  
01:09:02 12 and hours and hours putting this settlement together,  
01:09:05 13 should be compensated for their time.

01:09:07 14 But most importantly it is not an assessment  
01:09:09 15 that would come out of any share by the client.  
01:09:11 16 Whatever the client has agreed to with their attorney --  
01:09:14 17 it's a hold back for attorney's fees only. So there is  
01:09:18 18 no additional cost to the clients out there with regard  
01:09:20 19 to this.

01:09:22 20 Also importantly the one percent hold back  
01:09:25 21 we seek for costs is not only for costs that have been  
01:09:29 22 expended in litigating this case over the last years;  
01:09:32 23 it's also to be used against settlement costs, costs  
01:09:36 24 with regard to settlement administration going forward;  
01:09:38 25 BrownGreer and the people that will be doing lien

01:09:42 1 resolution and the like. So whenever you're ready,  
01:09:44 2 Judge, we're ready to send it to you.

01:09:47 3 THE COURT: We previously discussed this, I  
01:09:49 4 believe, in Cleveland. Am I correct?

01:09:52 5 MR. SEEGER: Yes, you are.

01:09:54 6 THE COURT: Case management order CM Order  
01:09:58 7 13 at paragraph 2(b)(2) set the three percent. The  
01:10:07 8 increase to five percent, it seems to me, is in light of  
01:10:16 9 the effort expended and that which will be needed in the  
01:10:23 10 future months. But I await your motion accompanied by a  
01:10:32 11 brief, and I will review it at that time.

01:10:35 12 My sense, to be very honest, is that -- I've  
01:10:39 13 thought about this over the last couple of months, and  
01:10:43 14 unless I hear or learn something to the contrary, the  
01:10:48 15 motion will be looked upon favorably.

01:10:51 16 Thank you.

01:10:54 17 Now, the tall one here.

01:11:00 18 MR. BLIZZARD: Good evening, Your Honor.  
01:11:01 19 My name is Ed Blizzard, and it's a privilege to be here  
01:11:06 20 in front of Your Honor and in front of the State Court  
01:11:08 21 Judges, as well as it has been a privilege for me to  
01:11:12 22 work with the great lawyers that I've had the  
01:11:15 23 opportunity to work with; not only my own colleagues,  
01:11:21 24 but the great lawyers on the other side of this case.

01:11:24 25 As long and difficult as it has been to

01:11:26 1 reach this stage of the litigation -- and it has been  
01:11:29 2 long and difficult. I heard Susan say that every word  
01:11:33 3 was argued over, and I think that's a significant  
01:11:36 4 understatement. There were probably words that weren't  
01:11:39 5 there that were argued over as well. But as long and  
01:11:43 6 difficult as it has been for the lawyers, it's been even  
01:11:47 7 longer and more difficult for the clients that we  
01:11:50 8 represent. And the most common question that I know I  
01:11:54 9 get from my clients and I know others get from theirs  
01:11:57 10 is: When? When am I going to get my compensation?  
01:12:01 11 And so I'm here this afternoon or this evening to talk  
01:12:04 12 about funding briefly.

01:12:07 13           And I'm not going to get into the granular  
01:12:10 14 details of it, just to say really the concept that  
01:12:15 15 overlays the very specific provisions of this settlement  
01:12:19 16 agreement is that the money will be there to pay the  
01:12:23 17 claims when they are evaluated and when they are ready  
01:12:28 18 to be paid.

01:12:29 19           Now, to get a little bit more specific about  
01:12:32 20 the deadlines here, there is an enrollment deadline and  
01:12:37 21 a claim deadline that is April 1 of next year. And  
01:12:41 22 you've heard that there are the documentation  
01:12:46 23 requirements are in the details of the settlement  
01:12:50 24 agreement. And they're actually very fair and  
01:12:52 25 efficient. And we think it's going to be relatively

01:12:55 1 simple for people to meet those requirements. The  
01:12:59 2 claims administrator, BrownGreer, has committed as part  
01:13:03 3 of the agreement to be able to review the base claims  
01:13:07 4 all within a 90-day period after the enrollment  
01:13:11 5 deadline. The first payment that can be issued in this  
01:13:18 6 case will come after the defendant has decided whether  
01:13:22 7 or not to exercise its walk-away rights. They have 60  
01:13:25 8 days to do that after the enrollment deadline which,  
01:13:29 9 would put that date at June 1. They could decide before  
01:13:33 10 June 1 to not exercise their walk away right, or they  
01:13:38 11 could wait until June 1. Whenever it is that they  
01:13:42 12 decide that the requirements of the agreement have been  
01:13:44 13 met and they do not intend to walk away from the  
01:13:47 14 settlement, whenever that is, the claims administrator  
01:13:51 15 can issue an initial report of those people whose claims  
01:13:54 16 are ready to be paid. And within 15 days of that report  
01:13:59 17 being issued, 15 business days, the company is committed  
01:14:03 18 to fund the escrow agent to pay those claims. So the  
01:14:08 19 kind of funding mechanism we have here, I believe, is  
01:14:11 20 very efficient and will get compensation out to our  
01:14:16 21 clients quickly, likely in the late spring or early  
01:14:21 22 summer of next year, beginning then. If the walk-away  
01:14:25 23 deadline is -- or the walk-away rights are exercised  
01:14:29 24 at -- are not exercised at the June 1 deadline, we  
01:14:34 25 expect that initial payments on the base claim will go

01:14:37 1 out sometime in July perhaps. So again, we think the  
01:14:42 2 funding here, the structure of this settlement, the  
01:14:45 3 concepts and ideas that are incorporated within the  
01:14:48 4 settlement agreement will answer the question of the  
01:14:53 5 clients that we hear often: When will I receive my  
01:14:56 6 compensation? Certainly for the base claims we believe  
01:14:59 7 that it will be soon.

01:15:01 8 So those are the comments I would have to  
01:15:03 9 offer on funding. And I again am privileged and happy  
01:15:08 10 to have been able to appear before Your Honor today.  
01:15:10 11 Thank you, Your Honor.

01:15:11 12 THE COURT: Thank you. I think that it is  
01:15:23 13 important to recognize again that in light of the  
01:15:37 14 history and today's developments with respect to this  
01:15:41 15 case, there is a need to afford counsel across the  
01:15:50 16 country sufficient opportunity to meet and confer with  
01:15:55 17 their respective clients. That will take some  
01:16:02 18 significant time. Within the next week, let us say by  
01:16:09 19 the end of Wednesday, November the 27th, please advise  
01:16:18 20 me and my fellow State Court Judges how long that  
01:16:25 21 process is anticipated to take. I may, at that point,  
01:16:35 22 have further action to take with respect to pending  
01:16:44 23 cases, but will confer with both sides before doing so.  
01:16:57 24 And I am sure that my State Court colleagues will review  
01:17:03 25 the same thing and receive input from you and through

01:17:11 1 you from me.

01:17:16 2 I'd like to ask the State Court Judges,  
01:17:23 3 starting with Judge Kramer, if they would like to make  
01:17:29 4 additional comments or raise questions for any of the  
01:17:33 5 speakers. Judge Kramer.

01:17:42 6 JUDGE KRAMER: This is Judge Kramer  
01:17:43 7 speaking. I have no questions. I wouldn't even begin  
01:17:47 8 to try to supplement or top the kudos that have been  
01:17:52 9 expressed, although I would like to add one honorary  
01:17:59 10 title to this group of cases: You shall all hereby be  
01:18:02 11 known as the bellwether case and complex litigation and  
01:18:06 12 multi district matters.

01:18:09 13 THE COURT: Thank you, Judge.  
01:18:12 14 Judge Martinotti.

01:18:17 15 JUDGE MARTINOTTI: I echo what the Judge  
01:18:19 16 said. There's an echo in my courtroom when I said that.  
01:18:23 17 I would like to thank all counsel, commend all counsel  
01:18:29 18 for cooperating with each other and the Court, and of  
01:18:33 19 course Judge Katz; an outstanding job bringing it home  
01:18:37 20 for us. Well done and much appreciated by New Jersey.

01:18:42 21 THE COURT: Thank you.  
01:18:43 22 Judge Dooling.

01:18:55 23 JUDGE DOOLING: I want to thank Judge Katz.  
01:18:57 24 I look forward to seeing all of my attorneys as soon as  
01:19:00 25 possible.

01:19:01 1 THE COURT: And, Judge Dooling, I will add  
01:19:04 2 one thing. As I've spoken to you by phone, it's your  
01:19:08 3 obligation as a judicial officer to take care of our  
01:19:11 4 grandchildren in Chicago and our new great granddaughter  
01:19:16 5 in Chicago. And you've accepted that responsibility.

01:19:21 6 JUDGE DOOLING: I have.

01:19:24 7 THE COURT: Judge Mittelstaedt.

01:19:27 8 JUDGE MITTELSTAEDT: I'd like to say thank  
01:19:29 9 you to everyone for all the hard work, particularly  
01:19:33 10 Judge Katz and all counsel.

01:19:38 11 THE COURT: Thank you. I want to thank a  
01:19:46 12 few people here in addition. I want to thank the I.T.  
01:19:51 13 people; David McKiddie, who is our federal I.T., working  
01:19:56 14 with Angela Stoldt, plaintiff's I.T. person; Tracy, our  
01:20:04 15 court reporter. Finally, I'd like to thank Cathy  
01:20:04 16 Garcia-Feehan, without whom I could not have performed  
01:20:04 17 my duties, and whose help also benefited the attorneys  
01:20:13 18 greatly. I know it sounds like gilding the lily too  
01:20:21 19 much, but I have never been involved for such a long  
01:20:27 20 period of time with people who have worked so diligently  
01:20:33 21 as the people who occupy these special positions. I  
01:20:39 22 thank you very much. I know -- I hope I'm not being  
01:20:46 23 overly optimistic -- that this will work out well.  
01:20:50 24 Thank you. And that concludes this hearing.

25 (Concluded at 5:50 p.m.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- - -

**C E R T I F I C A T E**

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled  
matter.

/s/ Tracy L. Spore \_\_\_\_\_

Tracy L. Spore, RMR, CRR

\_\_\_\_\_

Date

<b>\$</b>	<b>6</b>		
<p><b>\$2.475</b> [1] - 20:3  <b>\$250,000</b> [1] - 21:13  <b>\$4.85</b> [1] - 42:6  <b>\$475</b> [1] - 26:16</p> <p style="text-align: center;"><b>/</b></p> <p><b>/s</b> [1] - 49:9</p> <p style="text-align: center;"><b>1</b></p> <p><b>1</b> [5] - 44:21, 45:9, 45:10, 45:11, 45:24  <b>1,000</b> [3] - 11:6, 30:21, 33:7  <b>10,000</b> [1] - 26:10  <b>100</b> [2] - 11:4, 35:14  <b>12,000</b> [1] - 12:23  <b>13</b> [1] - 43:7  <b>15</b> [2] - 45:16, 45:17  <b>1716</b> [1] - 1:21  <b>180</b> [2] - 21:1, 25:2  <b>19</b> [1] - 1:5  <b>1:10-md-2197</b> [1] - 1:4</p>	<p><b>6,000</b> [1] - 14:5  <b>60</b> [2] - 11:2, 45:7  <b>65</b> [1] - 14:4</p> <p style="text-align: center;"><b>7</b></p> <p><b>7,000</b> [1] - 14:5  <b>75</b> [1] - 14:4  <b>77</b> [1] - 11:1</p>	<p><b>administering</b> [1] - 41:6  <b>administration</b> [2] - 39:25, 42:24  <b>administrative</b> [1] - 39:9  <b>Administrator</b> [1] - 36:11  <b>administrator</b> [6] - 21:8, 33:22, 40:12, 41:4, 45:2, 45:14  <b>Adriana</b> [1] - 10:1  <b>ads</b> [1] - 33:19  <b>advantage</b> [1] - 33:17  <b>advertise</b> [1] - 33:18  <b>advice</b> [1] - 5:21  <b>advise</b> [2] - 19:17, 46:19  <b>advocate</b> [1] - 17:16  <b>advocates</b> [1] - 7:3  <b>affect</b> [1] - 26:25  <b>afford</b> [1] - 46:15  <b>afternoon</b> [4] - 4:25, 16:13, 31:9, 44:11  <b>age</b> [1] - 14:3  <b>agent</b> [1] - 45:18  <b>ago</b> [3] - 11:14, 37:16, 38:16  <b>agree</b> [2] - 24:23, 29:20  <b>agreed</b> [5] - 27:13, 30:2, 34:21, 36:8, 42:16  <b>agreement</b> [16] - 5:24, 19:18, 20:1, 22:15, 26:24, 26:25, 27:16, 34:14, 34:18, 40:18, 40:24, 44:16, 44:24, 45:3, 45:12, 46:4  <b>agreements</b> [1] - 35:13  <b>aim</b> [2] - 13:3, 15:1  <b>aims</b> [1] - 12:21  <b>allow</b> [3] - 6:3, 25:4, 41:9  <b>allowed</b> [1] - 29:21  <b>allows</b> [1] - 33:1  <b>alluded</b> [3] - 38:2, 38:21, 39:8  <b>almost</b> [2] - 11:4, 37:12  <b>Altom</b> [1] - 9:5  <b>analysis</b> [1] - 32:3  <b>Angela</b> [1] - 48:14  <b>Angeles</b> [1] - 13:16  <b>announce</b> [2] - 2:8, 11:14  <b>answer</b> [1] - 46:4  <b>answered</b> [1] - 9:13  <b>answers</b> [2] - 31:3, 38:10  <b>anticipate</b> [2] - 35:12, 35:18  <b>anticipated</b> [1] - 46:21  <b>anticipating</b> [1] - 40:9  <b>appear</b> [3] - 20:13, 37:13, 46:10  <b>appointed</b> [2] - 5:5, 10:15  <b>appointments</b> [1] - 10:16  <b>appreciate</b> [5] - 10:17, 14:19, 18:25, 19:4, 22:21  <b>appreciated</b> [2] - 3:6, 47:20</p>	<p><b>appreciating</b> [1] - 9:7  <b>appropriate</b> [3] - 14:13, 14:15, 14:18  <b>approval</b> [1] - 22:10  <b>April</b> [1] - 44:21  <b>arbiter</b> [1] - 36:20  <b>arbitrator</b> [2] - 36:10, 36:17  <b>area</b> [4] - 12:2, 12:17, 12:18, 34:24  <b>areas</b> [1] - 13:8  <b>argued</b> [3] - 19:24, 44:3, 44:5  <b>arrangement</b> [2] - 6:15, 16:3  <b>aside</b> [1] - 32:24  <b>aspects</b> [1] - 10:4  <b>ASR</b> [17] - 1:4, 2:4, 2:12, 6:24, 9:14, 19:20, 19:21, 20:21, 20:22, 20:24, 21:18, 21:19, 27:13, 27:19, 27:20, 27:23, 27:24  <b>asserted</b> [1] - 31:19  <b>assessment</b> [4] - 41:22, 41:24, 42:4, 42:14  <b>assigned</b> [4] - 6:4, 37:16, 37:21, 38:16  <b>assist</b> [2] - 24:5, 41:6  <b>assistance</b> [2] - 6:24, 13:12  <b>associated</b> [2] - 22:7, 31:21  <b>assumed</b> [2] - 31:18, 31:21  <b>assuming</b> [1] - 20:3  <b>assure</b> [1] - 38:8  <b>assuring</b> [1] - 23:18  <b>Atlantic</b> [1] - 6:11  <b>attack</b> [1] - 21:22  <b>Attending</b> [1] - 8:6  <b>attending</b> [3] - 2:13, 8:2, 41:18  <b>attorney</b> [3] - 9:4, 40:23, 42:16  <b>attorney's</b> [2] - 41:25, 42:17  <b>attorneys</b> [14] - 4:8, 9:6, 33:23, 37:6, 37:24, 39:2, 39:10, 39:16, 40:13, 40:17, 42:9, 47:24, 48:17  <b>August</b> [5] - 5:15, 19:21, 21:1, 22:12, 24:12  <b>automatically</b> [1] - 21:25  <b>available</b> [6] - 21:7, 22:11, 23:10, 24:20, 30:24, 40:12  <b>Avenue</b> [1] - 1:21  <b>avoid</b> [2] - 6:1, 13:7  <b>await</b> [1] - 43:10  <b>award</b> [4] - 21:13, 21:24, 22:1, 22:3  <b>awarded</b> [1] - 42:5  <b>awards</b> [2] - 21:16, 22:3  <b>aware</b> [2] - 2:3, 41:20</p>
	<b>8</b>		
	<p><b>8,000</b> [6] - 14:2, 20:4, 25:18, 25:19, 26:14, 26:15  <b>8,598</b> [1] - 11:15</p>		
	<b>9</b>		
	<p><b>9,000</b> [1] - 26:11  <b>90-day</b> [1] - 45:4</p>		
	<b>A</b>		
<b>2</b>	<p><b>ability</b> [4] - 4:5, 4:7, 16:5, 23:5  <b>able</b> [6] - 25:22, 26:4, 40:7, 41:2, 45:3, 46:10  <b>above-entitled</b> [1] - 49:6  <b>absolutely</b> [1] - 31:5  <b>abstracts</b> [1] - 34:13  <b>accepted</b> [1] - 48:5  <b>accompanied</b> [1] - 43:10  <b>according</b> [1] - 18:18  <b>accurate</b> [3] - 23:6, 33:20, 38:12  <b>accurately</b> [2] - 23:24, 24:10  <b>acetabular</b> [1] - 20:21  <b>achieved</b> [1] - 8:1  <b>achieving</b> [1] - 2:22  <b>acquiesced</b> [1] - 40:24  <b>action</b> [2] - 22:10, 46:22  <b>active</b> [1] - 7:16  <b>activities</b> [1] - 14:20  <b>actual</b> [2] - 30:23, 31:1  <b>add</b> [3] - 35:24, 47:9, 48:1  <b>addition</b> [5] - 9:18, 9:24, 11:16, 22:4, 48:12  <b>additional</b> [4] - 38:18, 40:6, 42:18, 47:4  <b>additionally</b> [1] - 4:5  <b>address</b> [3] - 11:19, 16:10, 25:8  <b>administered</b> [1] - 36:18</p>		
<b>3</b>			
<b>4</b>			
<p><b>2</b> [1] - 26:15  <b>2(b)(2)</b> [1] - 43:7  <b>20</b> [2] - 36:15, 37:12  <b>2013</b> [5] - 1:5, 19:21, 21:1, 22:12, 24:13  <b>213-5520</b> [1] - 1:22  <b>23</b> [1] - 32:10  <b>27th</b> [1] - 46:19</p>			
<b>5</b>			
<p><b>31</b> [4] - 19:21, 21:1, 22:12, 24:12</p> <p><b>40,000</b> [1] - 11:5  <b>419</b> [1] - 1:22  <b>43604</b> [1] - 1:22  <b>4:29</b> [1] - 2:1</p> <p><b>50</b> [2] - 11:10, 13:1  <b>56</b> [1] - 4:3  <b>5:50</b> [1] - 48:25</p>			

<p style="text-align: center;"><b>B</b></p> <p><b>Baghdadi</b> [1] - 7:6  <b>banded</b> [2] - 17:22, 18:1  <b>banned</b> [1] - 6:8  <b>bar</b> [3] - 17:22, 36:19  <b>Barkeshli</b> [2] - 1:17, 19:13  <b>base</b> [13] - 21:13, 21:24, 22:3, 26:13, 27:6, 27:7, 27:8, 27:11, 27:12, 35:15, 45:3, 45:25, 46:6  <b>based</b> [4] - 24:20, 25:19, 26:13, 26:15  <b>basic</b> [1] - 40:1  <b>basis</b> [1] - 21:6  <b>become</b> [1] - 38:19  <b>BEFORE</b> [1] - 1:8  <b>began</b> [1] - 17:21  <b>begin</b> [3] - 2:9, 39:12, 47:7  <b>beginning</b> [3] - 24:16, 31:13, 45:22  <b>behalf</b> [2] - 3:21, 19:14  <b>bellwether</b> [4] - 8:10, 8:12, 10:19, 47:11  <b>belongs</b> [2] - 30:15  <b>Ben</b> [2] - 5:7, 18:14  <b>beneficial</b> [1] - 6:19  <b>benefit</b> [6] - 11:25, 12:6, 15:19, 34:21, 36:4, 41:22  <b>benefited</b> [1] - 48:17  <b>benefits</b> [9] - 22:4, 23:1, 23:5, 23:20, 34:6, 34:13, 34:18, 34:23, 35:24  <b>Berezofsky</b> [1] - 10:12  <b>Bergen</b> [1] - 2:18  <b>best</b> [5] - 3:18, 4:2, 5:13, 15:18, 16:25  <b>between</b> [1] - 3:24  <b>beyond</b> [2] - 30:2, 30:24  <b>big</b> [1] - 18:22  <b>bilateral</b> [2] - 27:22, 28:20  <b>bilaterals</b> [2] - 27:19, 30:2  <b>billion</b> [3] - 20:3, 26:15, 42:6  <b>bit</b> [1] - 44:19  <b>Blizzard</b> [5] - 1:13, 10:3, 18:15, 24:3, 43:19  <b>BLIZZARD</b> [1] - 43:18  <b>Bloomberg</b> [1] - 34:11  <b>BMI</b> [1] - 27:13  <b>Bob</b> [1] - 19:12  <b>booklets</b> [1] - 35:19  <b>bothering</b> [1] - 31:1  <b>Boyle</b> [1] - 13:13  <b>brethren</b> [1] - 7:2  <b>Brian</b> [8] - 1:18, 2:17, 7:8, 7:9, 7:21, 9:4, 13:14, 18:13  <b>brief</b> [4] - 41:19, 41:20, 42:1, 43:11</p>	<p><b>briefly</b> [4] - 21:10, 32:15, 41:22, 44:12  <b>bring</b> [2] - 20:7, 39:17  <b>bringing</b> [1] - 47:19  <b>Broadspire</b> [2] - 23:10, 31:14  <b>brought</b> [1] - 37:14  <b>BrownGreer</b> [4] - 34:22, 36:7, 42:25, 45:2  <b>Buchanan</b> [1] - 8:22  <b>buck</b> [1] - 36:25  <b>burden</b> [1] - 32:9  <b>business</b> [1] - 45:17</p> <p style="text-align: center;"><b>C</b></p> <p><b>California</b> [16] - 3:3, 5:16, 6:12, 7:2, 7:5, 7:8, 7:11, 7:13, 7:15, 7:17, 11:25, 12:3, 12:10, 13:12, 14:20, 22:18  <b>cannot</b> [2] - 8:22, 16:6  <b>capably</b> [1] - 7:18  <b>care</b> [4] - 22:6, 28:13, 30:11, 48:3  <b>careful</b> [1] - 22:19  <b>carefully</b> [1] - 23:1  <b>Case</b> [1] - 1:4  <b>case</b> [31] - 2:4, 2:11, 3:9, 3:15, 4:16, 8:8, 8:11, 10:24, 13:20, 13:21, 14:18, 15:8, 15:10, 15:12, 17:7, 25:4, 31:2, 32:20, 32:24, 33:5, 33:15, 34:9, 38:17, 41:1, 42:10, 42:22, 43:6, 43:24, 45:6, 46:15, 47:11  <b>cases</b> [35] - 3:3, 3:17, 3:21, 7:24, 9:3, 9:6, 9:16, 9:19, 11:7, 11:15, 11:16, 12:24, 13:11, 13:16, 13:22, 14:1, 14:5, 14:25, 25:5, 25:9, 25:25, 26:1, 30:22, 32:10, 32:18, 37:14, 39:4, 39:6, 42:3, 42:11, 46:23, 47:10  <b>cast</b> [1] - 13:18  <b>categories</b> [6] - 28:17, 28:23, 29:3, 29:6, 30:1, 30:19  <b>category</b> [4] - 28:22, 29:1, 29:8, 29:23  <b>Cathy</b> [2] - 36:10, 48:15  <b>caused</b> [2] - 13:5, 25:6  <b>certain</b> [5] - 22:6, 22:7, 29:12, 30:23, 36:13  <b>certainly</b> [12] - 12:9, 14:6, 15:9, 36:16, 38:2, 38:3, 38:6, 38:11, 38:18, 39:11, 41:8, 46:6  <b>certify</b> [1] - 49:5  <b>cetera</b> [4] - 2:5, 6:6, 15:17,</p>	<p>16:2  <b>Chairman</b> [1] - 7:14  <b>chance</b> [1] - 15:18  <b>charge</b> [2] - 17:25, 28:7  <b>check</b> [2] - 20:16, 35:23  <b>Chicago</b> [4] - 2:15, 6:16, 48:4, 48:5  <b>Chief</b> [1] - 36:11  <b>chosen</b> [2] - 4:4, 4:7  <b>Chris</b> [6] - 1:13, 5:7, 8:23, 18:14, 33:10, 33:12  <b>Circuit</b> [2] - 2:15, 2:19  <b>circumstances</b> [4] - 25:3, 29:25, 30:1, 36:22  <b>citizen</b> [1] - 20:20  <b>citizens</b> [1] - 19:19  <b>claim</b> [8] - 14:3, 21:6, 34:21, 35:15, 36:3, 36:6, 44:21, 45:25  <b>claimants</b> [4] - 34:8, 34:14, 34:19, 37:5  <b>Claims</b> [1] - 36:11  <b>claims</b> [21] - 20:10, 21:5, 22:2, 26:22, 27:25, 33:22, 35:6, 35:20, 36:21, 37:8, 39:23, 39:25, 40:12, 41:4, 44:17, 45:2, 45:3, 45:14, 45:15, 45:18, 46:6  <b>clarify</b> [1] - 35:24  <b>class</b> [1] - 22:9  <b>clear</b> [3] - 26:12, 33:15, 39:21  <b>clearly</b> [1] - 4:7  <b>Cleveland</b> [1] - 43:4  <b>client</b> [2] - 42:15, 42:16  <b>client's</b> [1] - 18:5  <b>clients</b> [19] - 5:3, 5:13, 10:19, 12:18, 14:7, 14:14, 14:15, 15:4, 15:13, 15:15, 15:16, 37:14, 37:23, 42:18, 44:7, 44:9, 45:21, 46:5, 46:17  <b>close</b> [3] - 8:9, 8:18, 36:15  <b>CM</b> [1] - 43:6  <b>co</b> [2] - 8:7, 19:12  <b>co-counsel</b> [1] - 19:12  <b>co-lead</b> [1] - 8:7  <b>colleague</b> [1] - 38:7  <b>colleagues</b> [2] - 43:23, 46:24  <b>colossal</b> [1] - 9:21  <b>coming</b> [2] - 21:7, 39:24  <b>Commenced</b> [1] - 2:1  <b>commend</b> [1] - 47:17  <b>comments</b> [2] - 46:8, 47:4  <b>committed</b> [6] - 18:20, 18:23, 24:16, 27:4, 45:2, 45:17  <b>Committee</b> [9] - 7:14, 8:24, 10:7, 10:10, 16:14, 17:20,</p>	<p>18:9, 28:14, 30:25  <b>committee</b> [1] - 5:6  <b>committees</b> [1] - 10:15  <b>common</b> [3] - 23:17, 41:22, 44:8  <b>communicating</b> [4] - 37:22, 37:24, 37:25  <b>communication</b> [1] - 40:16  <b>communications</b> [1] - 14:22  <b>company</b> [4] - 4:13, 11:2, 13:1, 45:17  <b>comparable</b> [1] - 21:6  <b>compare</b> [1] - 42:1  <b>compensable</b> [1] - 31:22  <b>compensated</b> [1] - 42:13  <b>compensates</b> [1] - 28:12  <b>compensation</b> [9] - 28:17, 29:1, 29:4, 29:6, 29:21, 30:19, 44:10, 45:20, 46:6  <b>complete</b> [1] - 19:8  <b>completion</b> [1] - 40:10  <b>complex</b> [5] - 3:20, 9:21, 12:3, 22:23, 47:11  <b>complicated</b> [2] - 14:1, 29:9  <b>comply</b> [1] - 15:23  <b>concept</b> [4] - 19:25, 38:24, 39:9, 44:14  <b>concepts</b> [1] - 46:3  <b>concern</b> [1] - 29:15  <b>concerning</b> [1] - 16:16  <b>Concluded</b> [1] - 48:25  <b>concludes</b> [1] - 48:24  <b>conclusion</b> [2] - 20:11, 39:9  <b>conditions</b> [1] - 22:14  <b>conduct</b> [1] - 15:20  <b>conducted</b> [3] - 6:6, 11:4, 11:22  <b>confer</b> [2] - 46:16, 46:23  <b>conference</b> [3] - 6:22, 7:22, 9:11  <b>Conference</b> [1] - 1:6  <b>CONFERENCE</b> [1] - 1:8  <b>conferences</b> [2] - 10:24, 16:9  <b>conferencing</b> [1] - 41:18  <b>confidence</b> [1] - 22:21  <b>confident</b> [2] - 34:15, 37:3  <b>confidentiality</b> [3] - 15:11, 15:24, 40:25  <b>confusion</b> [1] - 26:17  <b>conjunction</b> [1] - 6:2  <b>conquered</b> [1] - 3:19  <b>Conroy</b> [1] - 18:15  <b>conscious</b> [1] - 17:5  <b>consent</b> [4] - 5:9, 24:5, 30:14, 31:4</p>
---	---	---	---

<p><b>consider</b> [3] - 23:1, 23:5, 39:7</p> <p><b>consideration</b> [3] - 14:15, 29:13, 29:18</p> <p><b>consistent</b> [2] - 36:24, 40:2</p> <p><b>consistently</b> [1] - 35:23</p> <p><b>consolidated</b> [1] - 5:16</p> <p><b>consolidation</b> [1] - 5:17</p> <p><b>consultants</b> [1] - 13:2</p> <p><b>consultation</b> [1] - 14:17</p> <p><b>consulted</b> [1] - 13:7</p> <p><b>contact</b> [1] - 39:12</p> <p><b>contemplate</b> [1] - 39:12</p> <p><b>continue</b> [3] - 24:14, 27:4, 40:18</p> <p><b>continued</b> [1] - 31:8</p> <p><b>continues</b> [1] - 23:11</p> <p><b>continuing</b> [1] - 40:25</p> <p><b>continuously</b> [1] - 35:24</p> <p><b>contrary</b> [2] - 31:6, 43:14</p> <p><b>control</b> [1] - 29:24</p> <p><b>controlled</b> [1] - 3:11</p> <p><b>conversations</b> [1] - 18:19</p> <p><b>Cook</b> [1] - 2:15</p> <p><b>cooperating</b> [5] - 14:11, 14:16, 14:24, 32:21, 47:18</p> <p><b>cooperation</b> [7] - 2:21, 3:6, 3:9, 3:24, 5:23, 16:4, 30:9</p> <p><b>cooperative</b> [3] - 4:10, 6:19, 7:16</p> <p><b>cooperatively</b> [3] - 3:12, 4:8, 6:9</p> <p><b>coordinate</b> [1] - 5:21</p> <p><b>coordinated</b> [2] - 7:23, 9:3</p> <p><b>coordinating</b> [2] - 33:4, 39:14</p> <p><b>coordination</b> [3] - 5:23, 7:1, 8:1</p> <p><b>cordiality</b> [1] - 5:23</p> <p><b>Corodemus</b> [1] - 36:9</p> <p><b>correct</b> [4] - 31:5, 33:23, 43:4, 49:5</p> <p><b>correctly</b> [1] - 13:4</p> <p><b>cost</b> [1] - 42:18</p> <p><b>costs</b> [7] - 6:2, 8:16, 41:25, 42:21, 42:23</p> <p><b>counsel</b> [18] - 7:4, 7:5, 8:7, 8:21, 9:10, 9:15, 12:1, 14:17, 16:5, 19:12, 33:3, 37:18, 40:19, 46:15, 47:17, 48:10</p> <p><b>countless</b> [1] - 37:14</p> <p><b>country</b> [12] - 3:18, 4:9, 6:8, 6:11, 11:17, 22:25, 26:2, 33:21, 35:1, 37:7, 37:21, 46:16</p> <p><b>County</b> [4] - 2:15, 2:18, 2:20, 9:3</p> <p><b>couple</b> [3] - 19:5, 42:7, 43:13</p>	<p><b>course</b> [4] - 9:19, 31:15, 40:3, 47:19</p> <p><b>Court</b> [29] - 1:21, 2:13, 2:15, 2:17, 2:18, 2:19, 3:7, 3:13, 4:21, 8:2, 9:15, 10:15, 11:24, 13:16, 14:21, 17:3, 19:11, 32:25, 35:11, 36:13, 37:5, 37:12, 40:9, 41:20, 43:20, 46:20, 46:24, 47:2, 47:18</p> <p><b>court</b> [12] - 3:3, 5:15, 5:25, 6:16, 8:14, 9:21, 10:16, 22:10, 24:15, 36:15, 37:15, 48:15</p> <p><b>COURT</b> [20] - 1:1, 2:2, 10:21, 11:13, 15:6, 16:18, 17:11, 19:9, 23:22, 33:13, 37:9, 41:15, 43:3, 43:6, 46:12, 47:13, 47:21, 48:1, 48:7, 48:11</p> <p><b>Court's</b> [2] - 11:23, 14:19</p> <p><b>Court-appointed</b> [1] - 10:15</p> <p><b>courthouse</b> [1] - 20:1</p> <p><b>courtroom</b> [4] - 2:6, 38:22, 40:13, 47:16</p> <p><b>courtrooms</b> [1] - 2:25</p> <p><b>courts</b> [10] - 5:10, 5:11, 6:3, 11:17, 11:18, 14:24, 25:21, 25:24, 33:4, 33:16</p> <p><b>Courts</b> [1] - 14:6</p> <p><b>created</b> [1] - 36:11</p> <p><b>creating</b> [1] - 18:8</p> <p><b>creation</b> [1] - 30:6</p> <p><b>credit</b> [3] - 29:19, 29:20, 31:16</p> <p><b>criteria</b> [2] - 25:7, 25:15</p> <p><b>critical</b> [1] - 41:8</p> <p><b>critically</b> [2] - 34:8, 34:14</p> <p><b>cross</b> [1] - 5:19</p> <p><b>CRR</b> [2] - 1:21, 49:10</p> <p><b>Crystal</b> [3] - 1:20, 2:18, 9:2</p> <p><b>customary</b> [1] - 10:23</p> <p style="text-align: center;"><b>D</b></p> <p><b>Dan</b> [2] - 8:7, 8:10</p> <p><b>data</b> [2] - 25:20, 26:3</p> <p><b>database</b> [1] - 5:25</p> <p><b>Date</b> [1] - 49:10</p> <p><b>date</b> [1] - 45:9</p> <p><b>dates</b> [1] - 40:5</p> <p><b>daunting</b> [1] - 38:5</p> <p><b>DAVID</b> [1] - 1:8</p> <p><b>David</b> [3] - 8:21, 10:1, 48:13</p> <p><b>Davis</b> [3] - 7:6, 10:11</p> <p><b>days</b> [10] - 11:4, 11:10, 18:2, 21:2, 21:7, 23:17, 25:2, 45:8, 45:16, 45:17</p>	<p><b>deadline</b> [6] - 44:20, 44:21, 45:5, 45:8, 45:23, 45:24</p> <p><b>deadlines</b> [1] - 44:20</p> <p><b>deal</b> [3] - 23:25, 31:5, 31:8</p> <p><b>dealing</b> [2] - 16:25, 19:5</p> <p><b>death</b> [1] - 27:14</p> <p><b>debated</b> [1] - 19:24</p> <p><b>debates</b> [1] - 31:15</p> <p><b>Deborah</b> [3] - 1:19, 2:14, 8:8</p> <p><b>December</b> [1] - 13:23</p> <p><b>decide</b> [3] - 5:8, 45:9, 45:12</p> <p><b>decided</b> [3] - 30:20, 32:22, 45:6</p> <p><b>decision</b> [11] - 7:25, 14:18, 17:6, 23:3, 23:12, 23:13, 24:19, 24:21, 30:5, 30:20</p> <p><b>decisions</b> [5] - 25:23, 31:12, 33:2, 41:9, 41:10</p> <p><b>decisive</b> [1] - 5:18</p> <p><b>deemed</b> [1] - 16:19</p> <p><b>defendant</b> [1] - 45:6</p> <p><b>defendants</b> [1] - 15:22</p> <p><b>Defendants</b> [1] - 1:15</p> <p><b>defendants</b> [1] - 15:20</p> <p><b>defense</b> [9] - 4:9, 4:12, 10:25, 11:12, 23:15, 25:4, 36:19, 38:1, 38:7</p> <p><b>defenses</b> [1] - 26:23</p> <p><b>demographic</b> [1] - 14:4</p> <p><b>demonstrate</b> [1] - 21:16</p> <p><b>Denman</b> [2] - 6:17, 13:18</p> <p><b>depositions</b> [7] - 6:4, 6:6, 6:10, 11:3, 11:4, 11:10, 12:25</p> <p><b>DePuy</b> [5] - 1:4, 2:11, 19:15, 22:4, 31:17</p> <p><b>DePuy's</b> [2] - 23:9, 29:19</p> <p><b>design</b> [2] - 6:5, 13:10</p> <p><b>designated</b> [1] - 3:13</p> <p><b>designates</b> [1] - 33:3</p> <p><b>designating</b> [1] - 39:9</p> <p><b>designations</b> [1] - 39:19</p> <p><b>designed</b> [2] - 13:6, 41:6</p> <p><b>Desmond</b> [1] - 10:1</p> <p><b>despite</b> [1] - 31:6</p> <p><b>detail</b> [1] - 40:5</p> <p><b>detailed</b> [2] - 20:9, 22:14</p> <p><b>details</b> [4] - 20:17, 35:20, 44:14, 44:23</p> <p><b>determination</b> [3] - 34:21, 34:23, 36:6</p> <p><b>developments</b> [1] - 46:14</p> <p><b>device</b> [5] - 13:3, 13:6, 13:10, 25:14, 27:14</p> <p><b>Devine</b> [1] - 7:9</p> <p><b>devoted</b> [1] - 13:19</p> <p><b>died</b> [1] - 28:25</p> <p><b>Diego</b> [1] - 13:14</p>	<p><b>different</b> [2] - 10:4, 20:12</p> <p><b>difficult</b> [7] - 17:18, 18:4, 18:6, 43:25, 44:2, 44:6, 44:7</p> <p><b>diligently</b> [2] - 3:19, 48:20</p> <p><b>direct</b> [1] - 40:19</p> <p><b>direction</b> [1] - 20:8</p> <p><b>directly</b> [3] - 22:7, 31:21, 41:3</p> <p><b>disappoint</b> [1] - 37:5</p> <p><b>disclosure</b> [3] - 15:11, 26:4, 40:4</p> <p><b>discovery</b> [6] - 6:1, 9:20, 11:11, 11:21, 15:17, 42:11</p> <p><b>discussed</b> [1] - 43:3</p> <p><b>discussion</b> [2] - 17:21, 18:3</p> <p><b>dislocation</b> [1] - 29:5</p> <p><b>distinct</b> [1] - 39:22</p> <p><b>distinguished</b> [1] - 27:7</p> <p><b>distribution</b> [1] - 34:18</p> <p><b>DISTRICT</b> [3] - 1:1, 1:1, 1:9</p> <p><b>district</b> [3] - 3:17, 5:11, 47:12</p> <p><b>Divine</b> [2] - 7:9, 18:14</p> <p><b>DIVISION</b> [1] - 1:2</p> <p><b>Dixon</b> [2] - 1:20, 2:18</p> <p><b>dockets</b> [1] - 3:11</p> <p><b>doctors</b> [1] - 24:22</p> <p><b>document</b> [1] - 22:2</p> <p><b>documentation</b> [3] - 28:18, 31:4, 44:22</p> <p><b>documents</b> [2] - 6:1, 11:2</p> <p><b>done</b> [5] - 11:9, 19:3, 31:4, 35:7, 47:20</p> <p><b>DOOLING</b> [2] - 47:23, 48:6</p> <p><b>Dooling</b> [8] - 1:19, 2:14, 3:4, 6:22, 19:4, 22:18, 47:22, 48:1</p> <p><b>double</b> [1] - 28:21</p> <p><b>down</b> [2] - 17:23, 18:2</p> <p><b>drafted</b> [1] - 32:2</p> <p><b>drafting</b> [1] - 20:1</p> <p><b>drop</b> [1] - 29:5</p> <p><b>due</b> [1] - 4:7</p> <p><b>during</b> [4] - 4:18, 21:21, 31:15, 40:3</p> <p><b>duties</b> [4] - 37:17, 37:21, 38:18, 48:17</p> <p><b>DVT</b> [1] - 29:3</p> <p><b>dynamic</b> [1] - 35:22</p> <p style="text-align: center;"><b>E</b></p> <p><b>e-mail</b> [2] - 35:5, 40:16</p> <p><b>eagerly</b> [1] - 5:4</p> <p><b>early</b> [7] - 4:16, 5:18, 5:24, 6:15, 15:8, 40:11, 45:21</p> <p><b>echo</b> [2] - 47:15, 47:16</p> <p><b>Ed</b> [3] - 18:15, 24:3, 43:19</p> <p><b>Edward</b> [2] - 1:13, 10:2</p>
--	--	--	--

<p><b>efficiency</b> [1] - 5:23  <b>efficient</b> [6] - 17:7, 34:17, 37:7, 39:17, 44:25, 45:20  <b>efficiently</b> [2] - 7:23, 18:20  <b>effort</b> [9] - 5:18, 8:13, 9:18, 9:20, 13:20, 13:24, 16:5, 38:12, 43:9  <b>efforts</b> [6] - 5:20, 15:10, 24:14, 34:5, 38:11, 39:14  <b>ego</b> [1] - 32:23  <b>eight</b> [2] - 28:24, 42:4  <b>element</b> [1] - 30:12  <b>elements</b> [2] - 27:18  <b>eligibility</b> [3] - 20:19, 24:10, 24:11  <b>eligible</b> [6] - 23:4, 23:8, 23:18, 24:25, 26:7, 27:21  <b>Ellen</b> [4] - 1:11, 4:22, 10:21, 18:12  <b>elsewhere</b> [1] - 42:10  <b>embolism</b> [1] - 29:3  <b>embraced</b> [1] - 7:2  <b>emphasize</b> [1] - 33:13  <b>employees</b> [2] - 13:1, 13:2  <b>encourage</b> [2] - 25:11, 25:15  <b>encouraged</b> [1] - 5:21  <b>end</b> [2] - 17:17, 46:19  <b>endeavor</b> [2] - 8:13, 39:19  <b>endeavors</b> [1] - 6:25  <b>ended</b> [1] - 15:25  <b>engineering</b> [1] - 13:8  <b>engineers</b> [1] - 6:5  <b>enjoyed</b> [1] - 19:1  <b>enroll</b> [5] - 25:3, 25:16, 26:8, 26:9, 31:11  <b>enrollment</b> [6] - 25:17, 27:11, 39:22, 44:20, 45:4, 45:8  <b>enter</b> [4] - 28:16, 30:4, 32:5, 39:3  <b>entered</b> [4] - 6:23, 15:11, 18:7, 31:7  <b>entering</b> [1] - 39:7  <b>entitle</b> [1] - 21:25  <b>entitled</b> [1] - 49:6  <b>equally</b> [1] - 4:6  <b>equitable</b> [1] - 6:15  <b>Eric</b> [7] - 1:12, 5:7, 18:12, 24:3, 33:12, 34:1, 34:2  <b>escrow</b> [1] - 45:18  <b>especially</b> [1] - 5:3  <b>essential</b> [2] - 23:25, 24:9  <b>essentially</b> [3] - 18:9, 18:16, 39:2  <b>established</b> [1] - 35:4  <b>Esther</b> [1] - 10:12  <b>estimate</b> [1] - 25:19  <b>estimates</b> [1] - 26:5</p>	<p><b>et</b> [4] - 2:5, 6:6, 15:17, 16:2  <b>evaluate</b> [1] - 23:19  <b>evaluated</b> [1] - 44:17  <b>evaluation</b> [1] - 25:20  <b>evening</b> [2] - 43:18, 44:11  <b>events</b> [1] - 21:21  <b>exact</b> [1] - 26:11  <b>example</b> [2] - 21:18, 42:4  <b>excellent</b> [1] - 17:14  <b>excess</b> [1] - 13:1  <b>exciting</b> [1] - 17:14  <b>exclusions</b> [1] - 24:25  <b>exclusively</b> [1] - 38:17  <b>Executive</b> [3] - 7:13, 8:23, 10:7  <b>executive</b> [1] - 5:6  <b>exercise</b> [2] - 45:7, 45:10  <b>exercised</b> [2] - 45:23, 45:24  <b>expect</b> [2] - 40:7, 45:25  <b>expected</b> [1] - 13:5  <b>expedite</b> [1] - 41:8  <b>expended</b> [2] - 42:22, 43:9  <b>expensive</b> [1] - 14:1  <b>experience</b> [4] - 4:5, 16:23, 16:24, 38:4  <b>experienced</b> [3] - 12:2, 21:20, 35:1  <b>expert</b> [1] - 11:10  <b>experts</b> [2] - 8:15, 13:8  <b>expressed</b> [1] - 47:9  <b>extraordinary</b> [7] - 21:17, 21:20, 27:7, 28:23, 29:7, 30:3, 35:21  <b>extremely</b> [3] - 3:1, 3:10, 15:13</p>	<p>48:13  <b>Feehan</b> [1] - 48:16  <b>fees</b> [2] - 41:25, 42:17  <b>fellow</b> [2] - 4:20, 46:20  <b>felt</b> [1] - 14:13  <b>fence</b> [1] - 17:1  <b>few</b> [2] - 8:24, 48:12  <b>figure</b> [1] - 17:23  <b>file</b> [2] - 36:3, 39:5  <b>filed</b> [4] - 11:15, 11:16, 12:24, 39:4  <b>filing</b> [1] - 35:20  <b>final</b> [4] - 15:3, 22:15, 36:20, 36:21  <b>finality</b> [1] - 20:7  <b>Finally</b> [1] - 48:15  <b>finally</b> [3] - 8:21, 9:1, 41:2  <b>financial</b> [1] - 8:16  <b>finest</b> [1] - 6:3  <b>firm</b> [6] - 7:4, 13:13, 34:22, 34:24, 39:10  <b>firms</b> [5] - 3:17, 26:1, 30:21, 33:7, 40:6  <b>first</b> [14] - 8:9, 11:22, 13:15, 15:21, 24:17, 25:2, 34:20, 36:2, 36:5, 38:21, 41:16, 45:5  <b>five</b> [3] - 12:13, 41:24, 43:8  <b>Fleishman</b> [1] - 10:10  <b>Florida</b> [3] - 12:9, 13:11, 13:22  <b>Flowers</b> [4] - 1:14, 6:17, 13:18, 16:10  <b>FLOWERS</b> [3] - 16:12, 16:20, 17:12  <b>flowers</b> [1] - 13:23  <b>focus</b> [1] - 38:17  <b>folks</b> [1] - 17:12  <b>following</b> [1] - 21:19  <b>foot</b> [1] - 29:5  <b>forbearance</b> [1] - 14:19  <b>forefront</b> [1] - 9:6  <b>foregoing</b> [1] - 49:5  <b>forget</b> [1] - 10:13  <b>forgot</b> [1] - 33:10  <b>form</b> [3] - 35:15, 40:16, 41:3  <b>former</b> [1] - 13:2  <b>forms</b> [7] - 21:6, 26:4, 39:23, 39:25, 40:4, 40:10, 40:15  <b>forth</b> [2] - 10:8, 22:15  <b>fortunate</b> [1] - 3:16  <b>fortunately</b> [1] - 4:14  <b>forward</b> [5] - 12:5, 19:7, 39:17, 42:24, 47:24  <b>fought</b> [2] - 15:13, 19:23  <b>four</b> [3] - 11:18, 17:4, 32:20  <b>fourth</b> [1] - 29:23</p>	<p><b>frame</b> [2] - 32:19  <b>Francisco</b> [2] - 2:16, 8:4  <b>Franciskato</b> [1] - 9:4  <b>free</b> [1] - 25:10  <b>Friday</b> [4] - 35:12, 35:14, 35:16, 35:17  <b>friend</b> [1] - 32:18  <b>front</b> [3] - 37:13, 43:20  <b>fund</b> [5] - 29:7, 29:25, 30:1, 35:21, 45:18  <b>funding</b> [5] - 26:13, 44:12, 45:19, 46:2, 46:9  <b>future</b> [7] - 13:6, 17:2, 25:21, 29:14, 29:18, 33:2, 43:10</p>
<b>G</b>			
<p><b>Gadolidium</b> [1] - 32:16  <b>Garcia</b> [1] - 48:16  <b>Garcia-Feehan</b> [1] - 48:16  <b>Garden</b> [1] - 7:20  <b>gathered</b> [1] - 37:6  <b>general</b> [1] - 36:23  <b>gentlemen</b> [1] - 2:3  <b>George's</b> [2] - 2:20, 9:3  <b>gilding</b> [1] - 48:18  <b>global</b> [2] - 15:10, 16:2  <b>goal</b> [1] - 23:17  <b>goals</b> [1] - 12:21  <b>Gomez</b> [2] - 13:13, 13:15  <b>Gordon</b> [2] - 5:8, 18:14  <b>Gornick</b> [4] - 7:14, 10:2, 10:11, 18:14  <b>grandchildren</b> [1] - 48:4  <b>granddaughter</b> [1] - 48:4  <b>granted</b> [1] - 16:18  <b>granular</b> [1] - 44:13  <b>grateful</b> [1] - 22:16  <b>Great</b> [1] - 7:20  <b>great</b> [8] - 16:23, 26:1, 26:2, 33:8, 34:9, 43:22, 43:24, 48:4  <b>greatly</b> [2] - 3:6, 48:18  <b>group</b> [8] - 13:16, 18:1, 24:15, 27:10, 30:9, 32:21, 47:10  <b>guide</b> [1] - 35:19</p>			
<b>H</b>			
<p><b>Hackensack</b> [1] - 8:3  <b>half</b> [1] - 42:5  <b>handle</b> [1] - 14:6  <b>handled</b> [1] - 35:7  <b>happy</b> [2] - 31:17, 46:9  <b>hard</b> [8] - 14:12, 15:13, 17:16, 19:23, 23:15, 33:8,</p>			

<p>42:10, 48:9  <b>hats</b> [1] - 6:16  <b>headlines</b> [2] - 34:10, 34:12  <b>hear</b> [4] - 9:22, 38:9, 43:14, 46:5  <b>Heard</b> [2] - 6:18, 13:18  <b>heard</b> [7] - 6:21, 15:12, 15:17, 16:7, 44:2, 44:22  <b>hearing</b> [8] - 2:4, 2:23, 4:18, 4:19, 4:20, 20:12, 24:18, 48:24  <b>hearings</b> [2] - 3:1, 8:3  <b>heart</b> [1] - 21:22  <b>hello</b> [1] - 41:18  <b>help</b> [4] - 17:20, 33:9, 41:7, 48:17  <b>helped</b> [1] - 32:19  <b>helping</b> [2] - 10:20, 19:8  <b>helps</b> [1] - 20:7  <b>hereby</b> [1] - 47:10  <b>Hezekia</b> [1] - 10:12  <b>hi</b> [1] - 41:17  <b>highly</b> [3] - 12:4, 13:25  <b>HIP</b> [1] - 1:4  <b>hip</b> [13] - 2:4, 2:12, 19:20, 19:21, 20:22, 21:19, 27:19, 27:20, 27:23, 27:24, 27:25, 29:17  <b>hire</b> [1] - 21:3  <b>hired</b> [1] - 24:4  <b>history</b> [1] - 46:14  <b>hold</b> [2] - 42:17, 42:20  <b>home</b> [6] - 12:10, 24:1, 37:15, 47:19  <b>honest</b> [1] - 43:12  <b>Honor</b> [27] - 10:24, 11:20, 12:15, 15:5, 16:12, 16:14, 16:20, 17:20, 18:7, 18:25, 19:7, 34:2, 34:15, 37:2, 37:11, 37:13, 37:14, 38:16, 38:25, 39:7, 41:5, 41:12, 41:21, 43:18, 43:20, 46:10, 46:11  <b>HONORABLE</b> [1] - 1:8  <b>honorary</b> [1] - 47:9  <b>Honors</b> [4] - 19:14, 19:17, 20:5, 22:16  <b>hope</b> [5] - 10:12, 20:5, 22:24, 25:21, 48:22  <b>hopefully</b> [3] - 2:13, 30:13, 32:4  <b>hospital</b> [1] - 20:24  <b>hosting</b> [1] - 5:25  <b>hour</b> [1] - 11:14  <b>hours</b> [5] - 11:6, 18:2, 42:11, 42:12  <b>hugely</b> [1] - 12:2  <b>hundreds</b> [1] - 9:13</p>	<p style="text-align: center;"><b>I</b></p> <p><b>I.T</b> [3] - 48:12, 48:13, 48:14  <b>ideas</b> [1] - 46:3  <b>identified</b> [1] - 31:19  <b>Illinois</b> [7] - 2:14, 3:5, 5:17, 6:12, 13:11, 13:17, 22:18  <b>immediately</b> [1] - 37:19  <b>immunology</b> [1] - 13:9  <b>imperative</b> [1] - 39:16  <b>IMPLANT</b> [1] - 1:4  <b>implant</b> [3] - 2:12, 21:19, 29:17  <b>implantation</b> [2] - 25:2, 27:9  <b>implanted</b> [3] - 19:20, 20:21, 25:13  <b>implementation</b> [4] - 34:19, 35:2, 36:24, 36:25  <b>importance</b> [1] - 5:22  <b>important</b> [20] - 3:1, 3:5, 3:10, 4:6, 4:15, 7:12, 8:19, 10:4, 10:5, 10:15, 10:17, 23:2, 23:10, 24:7, 32:13, 34:8, 34:14, 36:1, 42:7, 46:13  <b>importantly</b> [3] - 38:13, 42:14, 42:20  <b>IN</b> [1] - 1:4  <b>INC</b> [1] - 1:4  <b>include</b> [1] - 27:13  <b>included</b> [1] - 37:22  <b>includes</b> [1] - 8:6  <b>including</b> [3] - 4:13, 6:17, 7:8  <b>incorporated</b> [1] - 46:3  <b>increase</b> [1] - 43:8  <b>incumbent</b> [1] - 38:19  <b>individual</b> [5] - 12:18, 14:16, 16:22, 30:15, 30:20  <b>individual's</b> [1] - 14:17  <b>individually</b> [1] - 14:25  <b>individuals</b> [1] - 30:23  <b>infarction</b> [1] - 29:2  <b>infection</b> [4] - 25:6, 25:8, 29:8, 29:10  <b>informally</b> [1] - 9:2  <b>information</b> [20] - 20:9, 23:6, 25:24, 31:11, 32:17, 33:1, 33:5, 33:6, 33:19, 33:23, 37:25, 38:1, 40:1, 40:6, 40:8, 40:22, 41:3, 41:5, 41:11  <b>informed</b> [12] - 14:18, 23:2, 24:5, 24:19, 25:22, 30:5, 30:14, 31:3, 31:12, 33:2, 41:9, 41:10  <b>initial</b> [5] - 16:15, 34:22, 36:6, 45:15, 45:25</p>	<p><b>injuries</b> [4] - 21:17, 30:1, 30:3, 30:7  <b>injury</b> [5] - 13:5, 27:8, 28:23, 29:7, 35:21  <b>input</b> [1] - 46:25  <b>insert</b> [1] - 15:7  <b>instead</b> [1] - 5:19  <b>insure</b> [1] - 34:17  <b>intend</b> [1] - 45:13  <b>interacted</b> [1] - 4:3  <b>interest</b> [1] - 34:9  <b>internal</b> [1] - 18:18  <b>intricacies</b> [1] - 19:5  <b>introduce</b> [7] - 2:12, 4:22, 9:1, 9:9, 9:25, 10:9  <b>introduced</b> [1] - 9:25  <b>introductions</b> [1] - 9:9  <b>invested</b> [2] - 12:22, 13:19  <b>inviting</b> [1] - 2:24  <b>involved</b> [12] - 10:6, 14:23, 15:23, 15:24, 16:21, 18:10, 18:11, 20:14, 33:15, 37:4, 40:7, 48:19  <b>involvement</b> [1] - 33:24  <b>involving</b> [2] - 2:11, 6:10  <b>issue</b> [3] - 24:7, 32:14, 45:15  <b>issued</b> [4] - 7:24, 16:15, 45:5, 45:17  <b>issues</b> [4] - 4:7, 4:10, 13:7, 23:16</p> <p style="text-align: center;"><b>J</b></p> <p><b>James</b> [1] - 36:12  <b>Jane</b> [1] - 18:15  <b>January</b> [1] - 40:11  <b>Jersey</b> [15] - 2:17, 3:3, 5:16, 6:12, 7:21, 8:3, 8:6, 8:9, 8:11, 8:21, 12:8, 13:11, 13:21, 22:17, 47:20  <b>job</b> [7] - 18:1, 18:22, 19:3, 27:3, 31:9, 47:19  <b>John</b> [5] - 1:17, 4:13, 13:15, 19:12, 36:9  <b>Johnson</b> [5] - 29:20, 30:9, 30:10, 31:14  <b>Johnson's</b> [1] - 29:20  <b>joined</b> [1] - 9:7  <b>joint</b> [7] - 7:25, 8:3, 8:13, 9:18, 9:20, 39:1  <b>Journal</b> [1] - 34:11  <b>joy</b> [2] - 17:9, 17:10  <b>Judge</b> [42] - 1:18, 1:19, 1:19, 1:20, 2:16, 2:17, 2:18, 4:2, 5:5, 5:21, 6:21, 6:22, 7:18, 7:21, 8:1, 9:1, 12:1, 19:1, 19:4, 22:16, 22:17, 22:18, 32:18, 36:8, 36:9,</p>	<p>36:12, 37:16, 41:17, 42:5, 43:2, 47:3, 47:6, 47:13, 47:14, 47:15, 47:19, 47:23, 48:1, 48:10  <b>JUDGE</b> [6] - 1:9, 47:6, 47:15, 47:23, 48:6, 48:8  <b>judge</b> [7] - 2:14, 7:22, 12:2, 36:15, 47:5, 47:22, 48:7  <b>Judges</b> [14] - 2:13, 2:21, 2:24, 3:4, 3:7, 3:16, 4:21, 8:2, 11:18, 34:4, 41:18, 43:21, 46:20, 47:2  <b>judges</b> [2] - 3:10, 3:23  <b>judicial</b> [1] - 48:3  <b>July</b> [1] - 46:1  <b>juncture</b> [2] - 4:24, 15:7  <b>June</b> [4] - 45:9, 45:10, 45:11, 45:24  <b>jurisdiction</b> [1] - 17:4  <b>jurisdictions</b> [5] - 14:11, 14:16, 14:24, 17:4, 32:21  <b>justly</b> [1] - 18:20</p> <p style="text-align: center;"><b>K</b></p> <p><b>KATZ</b> [1] - 1:8  <b>Katz</b> [10] - 5:5, 5:22, 6:21, 8:2, 10:11, 22:17, 41:17, 47:19, 47:23, 48:10  <b>Kaufman</b> [1] - 13:15  <b>keep</b> [1] - 2:7  <b>KELLY</b> [1] - 11:20  <b>Kelly</b> [7] - 1:12, 7:3, 11:19, 15:6, 16:21, 17:9, 18:12  <b>Ken</b> [1] - 7:8  <b>KENNEDY</b> [1] - 34:2  <b>Kennedy</b> [7] - 1:12, 5:7, 18:12, 24:3, 28:15, 34:2, 39:24  <b>key</b> [1] - 9:16  <b>Khaldoun</b> [1] - 7:6  <b>kind</b> [2] - 17:25, 45:19  <b>knowledge</b> [3] - 30:23, 31:2  <b>known</b> [1] - 47:11  <b>knows</b> [1] - 11:24  <b>KRAMER</b> [1] - 47:6  <b>Kramer</b> [10] - 1:19, 2:16, 2:24, 7:18, 12:1, 19:1, 22:18, 47:3, 47:5, 47:6  <b>KRANTZ</b> [1] - 37:11  <b>Kranz</b> [4] - 1:11, 9:10, 18:15, 24:2  <b>Kristen</b> [1] - 1:16  <b>Kristin</b> [3] - 19:13, 38:8, 38:9  <b>kudos</b> [1] - 47:8</p>
---	--	--	---

<b>L</b>	<p>31:18, 31:21, 32:2, 32:4, 32:8, 32:11</p> <p><b>light</b> [2] - 43:8, 46:13</p> <p><b>likely</b> [1] - 45:21</p> <p><b>likewise</b> [1] - 20:6</p> <p><b>lily</b> [1] - 48:18</p> <p><b>limit</b> [3] - 26:7, 26:9, 26:18</p> <p><b>limited</b> [1] - 25:1</p> <p><b>list</b> [1] - 21:22</p> <p><b>listening</b> [1] - 41:23</p> <p><b>litigants</b> [1] - 41:10</p> <p><b>litigating</b> [1] - 42:22</p> <p><b>litigation</b> [26] - 5:9, 5:12, 6:16, 7:8, 7:16, 7:17, 7:23, 8:11, 12:3, 14:23, 16:6, 17:1, 18:11, 20:8, 22:20, 27:2, 28:2, 31:16, 32:17, 32:19, 33:7, 37:18, 38:17, 40:22, 44:1, 47:11</p> <p><b>litigations</b> [8] - 5:15, 5:16, 5:20, 5:25, 6:12, 17:2, 25:22, 42:2</p> <p><b>live</b> [1] - 35:5</p> <p><b>locations</b> [2] - 16:8, 40:5</p> <p><b>lockstep</b> [1] - 14:21</p> <p><b>look</b> [2] - 19:7, 47:24</p> <p><b>looked</b> [1] - 43:15</p> <p><b>Los</b> [1] - 13:16</p> <p><b>lower</b> [1] - 42:2</p> <p><b>Luxenberg</b> [1] - 13:22</p>	<p>36:7</p> <p><b>Matt</b> [2] - 7:6</p> <p><b>matter</b> [4] - 3:2, 33:24, 39:17, 49:7</p> <p><b>matters</b> [4] - 4:5, 41:1, 41:8, 47:12</p> <p><b>maximum</b> [2] - 26:14, 26:16</p> <p><b>Mayer</b> [3] - 1:16, 19:13, 38:8</p> <p><b>Mayer's</b> [1] - 38:11</p> <p><b>McDonald</b> [1] - 8:8</p> <p><b>McKiddie</b> [1] - 48:13</p> <p><b>McMonigle</b> [1] - 36:12</p> <p><b>MDL</b> [24] - 2:11, 3:13, 4:5, 5:15, 6:11, 7:10, 7:12, 7:15, 8:10, 8:14, 8:16, 8:24, 9:7, 9:8, 10:23, 11:15, 11:20, 11:24, 14:10, 22:17, 24:15, 24:17, 40:17, 40:23</p> <p><b>mean</b> [2] - 15:14, 31:20</p> <p><b>means</b> [1] - 31:20</p> <p><b>meant</b> [1] - 41:7</p> <p><b>measures</b> [1] - 4:23</p> <p><b>mechanical</b> [1] - 1:24</p> <p><b>mechanism</b> [1] - 45:19</p> <p><b>media</b> [1] - 16:1</p> <p><b>mediator</b> [2] - 36:10, 36:17</p> <p><b>medical</b> [6] - 21:21, 22:1, 22:6, 23:13, 24:21, 28:7</p> <p><b>medically</b> [2] - 24:20, 28:5</p> <p><b>medicine</b> [1] - 6:5</p> <p><b>meet</b> [4] - 25:15, 37:19, 45:1, 46:16</p> <p><b>meetings</b> [1] - 26:3</p> <p><b>members</b> [1] - 10:9</p> <p><b>men</b> [1] - 19:14</p> <p><b>mention</b> [2] - 12:14, 38:7</p> <p><b>mentioned</b> [5] - 10:6, 12:11, 12:12, 12:13, 18:13</p> <p><b>met</b> [4] - 17:12, 18:24, 19:1, 45:13</p> <p><b>Michael</b> [1] - 1:12</p> <p><b>Michelle</b> [10] - 1:11, 9:10, 9:14, 9:15, 18:15, 24:2, 31:1, 33:8, 33:11, 37:10</p> <p><b>midwest</b> [1] - 36:16</p> <p><b>might</b> [3] - 24:7, 26:17, 29:15</p> <p><b>Mike</b> [3] - 7:3, 11:19, 18:12</p> <p><b>mike</b> [1] - 2:7</p> <p><b>military</b> [1] - 20:24</p> <p><b>million</b> [2] - 11:1, 26:16</p> <p><b>millions</b> [1] - 6:1</p> <p><b>mind</b> [1] - 14:9</p> <p><b>misrepresented</b> [1] - 12:20</p> <p><b>Missouri</b> [1] - 12:8</p> <p><b>MITTELSTAEDT</b> [1] - 48:8</p> <p><b>Mittelstaedt</b> [7] - 1:20, 2:19, 3:4, 9:2, 19:2, 22:19,</p>	<p>48:7</p> <p><b>model</b> [3] - 17:2, 25:21, 30:13</p> <p><b>modified</b> [1] - 38:15</p> <p><b>moment</b> [2] - 38:7, 39:11</p> <p><b>moments</b> [1] - 8:25</p> <p><b>money</b> [2] - 12:23, 44:16</p> <p><b>month</b> [2] - 18:21, 18:22</p> <p><b>months</b> [5] - 3:8, 18:2, 19:24, 43:10, 43:13</p> <p><b>morning</b> [1] - 20:2</p> <p><b>most</b> [12] - 3:3, 6:7, 22:16, 30:7, 34:25, 35:7, 36:22, 37:20, 38:13, 42:9, 42:14, 44:8</p> <p><b>mostly</b> [1] - 18:9</p> <p><b>motion</b> [3] - 16:19, 43:10, 43:15</p> <p><b>move</b> [2] - 38:19, 39:16</p> <p><b>MR</b> [8] - 11:20, 16:12, 16:20, 17:12, 34:2, 41:17, 43:5, 43:18</p> <p><b>MS</b> [5] - 4:25, 10:23, 19:11, 23:24, 37:11</p> <p><b>multi</b> [3] - 3:17, 5:11, 47:12</p> <p><b>multi-district</b> [2] - 3:17, 5:11</p> <p><b>multiple</b> [2] - 15:19, 21:18</p> <p><b>must</b> [9] - 9:9, 20:20, 20:24, 22:2, 23:4, 25:1, 40:22, 40:23, 40:24</p> <p><b>myocardial</b> [1] - 29:2</p>
<b>M</b>	<p><b>Maglio</b> [1] - 9:5</p> <p><b>mail</b> [2] - 35:5, 40:16</p> <p><b>maintained</b> [1] - 40:21</p> <p><b>majority</b> [2] - 26:1, 26:2</p> <p><b>managed</b> [3] - 7:18, 7:23, 9:2</p> <p><b>management</b> [5] - 10:24, 11:24, 22:20, 36:23, 43:6</p> <p><b>managing</b> [1] - 33:7</p> <p><b>manner</b> [3] - 4:10, 13:4, 13:5</p> <p><b>Marina</b> [1] - 36:8</p> <p><b>mark</b> [1] - 14:21</p> <p><b>Mark</b> [3] - 5:7, 7:13, 18:14</p> <p><b>marketing</b> [1] - 6:5</p> <p><b>MARTINOTTI</b> [1] - 47:15</p> <p><b>Martinotti</b> [8] - 1:18, 2:17, 2:24, 7:21, 7:22, 19:2, 22:17, 47:14</p> <p><b>Mary</b> [3] - 1:19, 2:14, 6:22</p> <p><b>Maryland</b> [6] - 2:19, 3:5, 5:17, 9:3, 9:6, 22:19</p> <p><b>mass</b> [6] - 5:20, 6:7, 12:3, 12:17, 16:22, 35:2</p> <p><b>master</b> [1] - 27:16</p> <p><b>masters</b> [3] - 24:6, 28:15,</p>	<p><b>meetings</b> [1] - 26:3</p> <p><b>members</b> [1] - 10:9</p> <p><b>men</b> [1] - 19:14</p> <p><b>mention</b> [2] - 12:14, 38:7</p> <p><b>mentioned</b> [5] - 10:6, 12:11, 12:12, 12:13, 18:13</p> <p><b>met</b> [4] - 17:12, 18:24, 19:1, 45:13</p> <p><b>Michael</b> [1] - 1:12</p> <p><b>Michelle</b> [10] - 1:11, 9:10, 9:14, 9:15, 18:15, 24:2, 31:1, 33:8, 33:11, 37:10</p> <p><b>midwest</b> [1] - 36:16</p> <p><b>might</b> [3] - 24:7, 26:17, 29:15</p> <p><b>Mike</b> [3] - 7:3, 11:19, 18:12</p> <p><b>mike</b> [1] - 2:7</p> <p><b>military</b> [1] - 20:24</p> <p><b>million</b> [2] - 11:1, 26:16</p> <p><b>millions</b> [1] - 6:1</p> <p><b>mind</b> [1] - 14:9</p> <p><b>misrepresented</b> [1] - 12:20</p> <p><b>Missouri</b> [1] - 12:8</p> <p><b>MITTELSTAEDT</b> [1] - 48:8</p> <p><b>Mittelstaedt</b> [7] - 1:20, 2:19, 3:4, 9:2, 19:2, 22:19,</p>	<b>N</b>
<b>N</b>			<p><b>name</b> [3] - 2:8, 12:14, 43:19</p> <p><b>named</b> [1] - 18:9</p> <p><b>namely</b> [1] - 25:4</p> <p><b>names</b> [1] - 9:24</p> <p><b>national</b> [1] - 35:3</p> <p><b>nationally</b> [4] - 34:23, 36:9, 36:16, 36:17</p> <p><b>Navan</b> [1] - 10:11</p> <p><b>necessarily</b> [1] - 38:10</p> <p><b>necessary</b> [2] - 28:19, 38:1</p> <p><b>need</b> [6] - 21:3, 23:1, 31:11, 38:23, 46:15</p> <p><b>needed</b> [2] - 22:22, 43:9</p> <p><b>negotiate</b> [1] - 14:12</p> <p><b>negotiated</b> [1] - 25:7</p> <p><b>negotiating</b> [2] - 9:22, 19:25</p> <p><b>negotiation</b> [5] - 10:4, 10:6, 19:23, 22:5, 31:18</p> <p><b>negotiations</b> [4] - 15:21, 20:14, 22:23, 31:7</p> <p><b>net</b> [1] - 31:25</p> <p><b>never</b> [1] - 48:19</p> <p><b>new</b> [3] - 13:6, 20:8, 48:4</p>

<p><b>New</b> [17] - 2:17, 3:2, 5:16, 6:12, 7:21, 8:3, 8:6, 8:9, 8:11, 8:21, 12:8, 13:11, 13:21, 22:17, 34:10, 47:20  <b>next</b> [5] - 11:19, 16:10, 44:21, 45:22, 46:18  <b>night</b> [1] - 31:8  <b>nights</b> [1] - 23:16  <b>non</b> [1] - 15:11  <b>non-disclosure</b> [1] - 15:11  <b>NORTHERN</b> [1] - 1:1  <b>note</b> [3] - 12:10, 23:11, 36:1  <b>notereading</b> [1] - 1:25  <b>notification</b> [1] - 40:19  <b>notify</b> [1] - 40:15  <b>November</b> [2] - 1:5, 46:19  <b>number</b> [10] - 11:7, 14:13, 25:17, 25:19, 26:5, 26:7, 26:11, 26:18, 28:9, 38:3  <b>numbers</b> [1] - 25:25</p>	<p>18:18, 20:19, 32:25, 33:1, 38:24, 39:6, 39:21, 40:10, 40:25, 43:6  <b>Order</b> [1] - 43:6  <b>orders</b> [1] - 37:24  <b>organization</b> [2] - 34:24, 35:1  <b>organized</b> [1] - 12:4  <b>organizing</b> [1] - 41:7  <b>ORTHOPAEDICS</b> [1] - 1:4  <b>orthopedic</b> [1] - 13:10  <b>Orthopedics</b> [1] - 19:15  <b>otherwise</b> [1] - 25:10  <b>ourselves</b> [1] - 17:23  <b>outcome</b> [1] - 28:2  <b>outcomes</b> [1] - 30:11  <b>outline</b> [1] - 39:23  <b>outlined</b> [4] - 2:23, 4:18, 14:14, 34:6  <b>outset</b> [1] - 17:5  <b>outstanding</b> [3] - 3:15, 4:14, 47:19  <b>overhanging</b> [1] - 15:9  <b>overlays</b> [1] - 44:15  <b>overly</b> [1] - 48:23  <b>overshadowing</b> [1] - 15:9  <b>oversight</b> [1] - 36:23  <b>Oversight</b> [5] - 16:14, 17:19, 18:8, 28:14, 30:24  <b>overview</b> [1] - 35:10  <b>own</b> [4] - 3:11, 12:23, 18:18, 43:23</p>	<p>48:9  <b>parties</b> [9] - 15:19, 19:17, 25:4, 27:12, 29:19, 33:1, 40:7, 41:6, 41:10  <b>partner</b> [2] - 8:23, 9:5  <b>partners</b> [1] - 7:6  <b>parts</b> [1] - 21:9  <b>party</b> [1] - 11:3  <b>past</b> [1] - 12:7  <b>patient</b> [13] - 13:9, 20:20, 21:25, 23:4, 23:18, 25:12, 27:19, 27:22, 28:4, 29:20, 30:16, 30:17, 31:23  <b>patients</b> [33] - 9:14, 19:19, 20:4, 20:7, 21:12, 21:16, 22:12, 22:24, 23:8, 23:14, 24:12, 24:13, 24:15, 24:17, 24:19, 24:24, 26:8, 26:21, 27:3, 28:3, 28:10, 28:12, 28:16, 28:20, 28:21, 29:9, 30:4, 30:7, 30:25, 31:10, 31:20, 32:4, 32:14  <b>pay</b> [2] - 44:16, 45:18  <b>payment</b> [4] - 26:14, 26:15, 35:15, 45:5  <b>payments</b> [2] - 28:20, 45:25  <b>pays</b> [1] - 28:12  <b>pending</b> [5] - 3:4, 3:9, 11:16, 21:3, 46:22  <b>Pennsylvania</b> [1] - 12:9  <b>people</b> [29] - 9:11, 12:22, 12:23, 17:16, 18:9, 18:10, 18:16, 21:5, 21:18, 21:20, 23:12, 24:4, 25:11, 26:6, 26:19, 30:10, 31:1, 34:16, 35:23, 36:1, 37:3, 41:23, 42:25, 45:1, 45:15, 48:12, 48:13, 48:20, 48:21  <b>perceive</b> [1] - 4:7  <b>percent</b> [6] - 41:24, 41:25, 42:4, 42:20, 43:7, 43:8  <b>perform</b> [2] - 13:4, 23:11  <b>performed</b> [1] - 48:16  <b>perhaps</b> [1] - 46:1  <b>period</b> [3] - 25:8, 45:4, 48:20  <b>permission</b> [1] - 16:17  <b>permit</b> [1] - 2:5  <b>permitted</b> [1] - 2:6  <b>Perry</b> [1] - 9:25  <b>person</b> [3] - 33:3, 39:13, 48:14  <b>personal</b> [2] - 17:1, 23:3  <b>perspective</b> [5] - 4:6, 18:5, 24:10, 28:4, 28:19  <b>Pete</b> [3] - 6:17, 13:18, 16:10  <b>Peter</b> [5] - 1:14, 7:10, 10:2, 10:11, 13:14  <b>phenomenon</b> [1] - 42:9  <b>phone</b> [2] - 2:14, 48:2</p>	<p><b>pictures</b> [1] - 2:6  <b>place</b> [6] - 8:17, 20:23, 21:1, 25:1, 34:16, 34:17  <b>plaintiff</b> [1] - 23:15  <b>Plaintiff's</b> [1] - 10:9  <b>plaintiff's</b> [8] - 4:1, 15:1, 17:21, 24:9, 36:19, 40:3, 40:20, 48:14  <b>Plaintiffs</b> [1] - 1:10  <b>plaintiffs</b> [4] - 10:19, 11:22, 14:2, 15:20  <b>plaintiffs'</b> [3] - 4:8, 15:21, 38:9  <b>plan</b> [1] - 31:3  <b>played</b> [6] - 7:15, 8:19, 9:16, 10:3, 10:15, 10:17  <b>pleased</b> [3] - 5:2, 9:1, 19:17  <b>pleasurable</b> [1] - 38:4  <b>pleasure</b> [2] - 34:3, 41:12  <b>point</b> [9] - 3:20, 3:23, 4:11, 14:6, 16:19, 32:3, 33:13, 46:21  <b>point-by-point</b> [1] - 32:3  <b>pointed</b> [1] - 12:25  <b>Polos</b> [5] - 7:10, 10:2, 10:12, 12:10, 18:13  <b>polos</b> [1] - 12:12  <b>Polster</b> [1] - 32:18  <b>popular</b> [1] - 12:20  <b>portion</b> [2] - 38:19, 39:6  <b>position</b> [1] - 36:11  <b>positions</b> [2] - 17:16, 48:21  <b>positive</b> [1] - 18:4  <b>possessed</b> [1] - 4:14  <b>possible</b> [6] - 2:23, 3:14, 5:13, 16:3, 27:11, 47:25  <b>posted</b> [7] - 20:10, 35:14, 35:16, 35:17, 35:19, 35:22, 40:20  <b>potential</b> [1] - 21:13  <b>power</b> [1] - 30:14  <b>practical</b> [1] - 14:5  <b>practice</b> [1] - 12:16  <b>precedential</b> [1] - 7:25  <b>predicted</b> [1] - 4:15  <b>predominantly</b> [1] - 12:17  <b>preliminary</b> [2] - 26:4, 40:4  <b>premature</b> [1] - 14:3  <b>preparation</b> [2] - 9:16, 11:9  <b>prepared</b> [5] - 11:7, 13:10, 13:22, 13:23, 41:20  <b>preparing</b> [2] - 9:19, 42:11  <b>Present</b> [1] - 1:18  <b>presented</b> [2] - 23:24, 35:11  <b>preserved</b> [3] - 26:22, 26:24, 28:1  <b>presided</b> [1] - 6:23  <b>press</b> [2] - 12:20, 16:1</p>
<b>O</b>	<b>P</b>		
<p><b>O'Shaughnessy</b> [4] - 1:17, 4:13, 17:15, 19:12  <b>objective</b> [1] - 23:6  <b>objectively</b> [1] - 23:19  <b>obligation</b> [2] - 28:16, 48:3  <b>obstacles</b> [1] - 3:20  <b>obviously</b> [5] - 3:4, 10:5, 11:16, 34:6, 34:8  <b>occupy</b> [2] - 36:12, 48:21  <b>OF</b> [2] - 1:1, 1:8  <b>offer</b> [2] - 30:18, 46:9  <b>officer</b> [1] - 48:3  <b>official</b> [2] - 20:15, 33:22  <b>often</b> [2] - 20:16, 46:5  <b>oftentimes</b> [1] - 12:19  <b>OHIO</b> [1] - 1:1  <b>Ohio</b> [6] - 1:5, 1:22, 9:17, 12:9, 36:14, 36:16  <b>once</b> [1] - 17:22  <b>one</b> [16] - 5:12, 6:23, 9:5, 15:3, 21:3, 21:13, 24:21, 24:22, 27:23, 33:3, 33:10, 41:25, 42:20, 43:17, 47:9, 48:2  <b>online</b> [1] - 35:8  <b>operation</b> [1] - 20:11  <b>opinion</b> [2] - 15:18, 17:2  <b>opportunity</b> [11] - 18:25, 23:18, 28:4, 29:10, 30:5, 32:5, 37:13, 37:19, 41:13, 43:23, 46:16  <b>optimistic</b> [1] - 48:23  <b>opting</b> [1] - 39:3  <b>ordeal</b> [1] - 14:8  <b>order</b> [16] - 15:11, 15:23, 16:15, 16:16, 16:17, 18:8,</p>	<p><b>p.m</b> [2] - 2:1, 48:25  <b>packets</b> [1] - 21:6  <b>pages</b> [4] - 6:1, 11:1, 11:5, 35:14  <b>paid</b> [4] - 24:7, 29:5, 44:18, 45:16  <b>Panish</b> [2] - 13:13, 13:14  <b>paragraph</b> [1] - 43:7  <b>parallel</b> [2] - 5:14, 7:16  <b>Part</b> [10] - 21:11, 21:15, 21:24, 26:15, 27:8, 27:17, 27:21, 28:13, 29:24, 30:6  <b>part</b> [7] - 7:1, 18:7, 21:11, 22:1, 35:7, 41:19, 45:2  <b>participate</b> [8] - 20:4, 20:19, 21:4, 21:12, 26:8, 26:10, 26:19, 27:21  <b>participating</b> [4] - 6:21, 7:19, 7:22, 34:4  <b>participation</b> [4] - 23:3, 31:12, 40:18, 40:23  <b>particular</b> [3] - 11:17, 37:3, 39:19  <b>particularly</b> [2] - 39:20,</p>		



<p><b>pretty</b> [1] - 19:24  <b>previous</b> [1] - 33:14  <b>previously</b> [1] - 43:3  <b>primary</b> [3] - 33:3, 39:10, 40:6  <b>Prince</b> [2] - 2:19, 9:3  <b>principal</b> [1] - 39:12  <b>private</b> [4] - 15:20, 16:2, 19:18, 22:9  <b>privilege</b> [4] - 4:1, 13:14, 43:19, 43:21  <b>privileged</b> [2] - 3:8, 46:9  <b>proceed</b> [2] - 28:6, 34:1  <b>proceedings</b> [1] - 49:6  <b>Proceedings</b> [1] - 1:24  <b>process</b> [15] - 11:24, 12:4, 24:5, 30:14, 34:12, 35:6, 35:17, 35:20, 36:2, 36:21, 37:4, 37:8, 39:17, 46:21  <b>processing</b> [1] - 35:2  <b>processor</b> [1] - 20:10  <b>produce</b> [2] - 5:12, 6:9  <b>produced</b> [4] - 1:25, 11:1, 11:2, 22:2  <b>product</b> [5] - 6:9, 8:15, 9:8, 23:11, 31:13  <b>productive</b> [1] - 8:4  <b>PRODUCTS</b> [1] - 1:5  <b>program</b> [40] - 19:18, 20:6, 20:9, 20:15, 20:18, 20:20, 21:4, 21:9, 21:11, 21:15, 22:1, 22:11, 22:13, 23:2, 23:5, 23:9, 23:10, 23:16, 23:19, 25:1, 25:11, 25:12, 26:19, 27:6, 27:7, 27:8, 27:11, 27:18, 28:12, 28:13, 28:17, 29:10, 29:17, 29:21, 30:4, 30:6, 31:11, 32:6, 39:3  <b>programs</b> [1] - 39:14  <b>progress</b> [1] - 6:14  <b>promote</b> [1] - 17:6  <b>propose</b> [1] - 32:25  <b>proposing</b> [2] - 38:25, 39:22  <b>prosecuting</b> [1] - 14:25  <b>proud</b> [1] - 12:21  <b>provide</b> [2] - 36:21, 37:7  <b>provided</b> [2] - 39:24, 40:3  <b>providing</b> [2] - 8:16, 36:23  <b>provisions</b> [1] - 44:15  <b>PSC</b> [2] - 7:10, 7:14  <b>pulmonary</b> [1] - 29:2  <b>purpose</b> [1] - 5:12  <b>purposes</b> [2] - 5:19, 39:9  <b>put</b> [4] - 26:3, 30:9, 32:23, 45:9  <b>putting</b> [1] - 42:12</p>	<p style="text-align: center;"><b>Q</b></p> <p><b>qualified</b> [6] - 21:12, 22:6, 25:12, 25:15, 31:19, 31:20  <b>qualify</b> [3] - 26:9, 26:20, 28:18  <b>qualifying</b> [2] - 21:24, 25:14  <b>qualities</b> [1] - 4:15  <b>questions</b> [6] - 9:13, 38:3, 38:13, 38:14, 47:4, 47:7  <b>queue</b> [1] - 35:5  <b>quickly</b> [2] - 40:8, 45:21  <b>quite</b> [3] - 2:10, 3:16, 19:4</p> <p style="text-align: center;"><b>R</b></p> <p><b>raise</b> [1] - 47:4  <b>raised</b> [1] - 33:15  <b>range</b> [1] - 14:4  <b>ratio</b> [1] - 26:13  <b>RE</b> [1] - 1:4  <b>reach</b> [5] - 3:20, 4:11, 4:17, 7:2, 44:1  <b>reached</b> [3] - 5:24, 18:3, 19:18  <b>reaching</b> [3] - 3:21, 5:9, 8:2  <b>reading</b> [1] - 38:22  <b>ready</b> [9] - 8:12, 8:18, 13:21, 40:15, 41:21, 43:1, 43:2, 44:17, 45:16  <b>real</b> [1] - 31:3  <b>realize</b> [1] - 18:21  <b>really</b> [5] - 9:21, 16:25, 17:5, 17:22, 44:14  <b>reap</b> [1] - 23:20  <b>reasons</b> [1] - 20:25  <b>recalled</b> [1] - 31:14  <b>receive</b> [7] - 21:12, 23:6, 33:6, 36:4, 40:18, 46:5, 46:25  <b>recognize</b> [1] - 46:13  <b>recognized</b> [5] - 5:22, 29:1, 34:24, 36:10, 36:17  <b>recognizing</b> [1] - 5:14  <b>record</b> [2] - 8:8, 49:6  <b>recorded</b> [1] - 1:24  <b>records</b> [1] - 22:2  <b>reductions</b> [2] - 21:14, 27:12  <b>referrals</b> [1] - 39:15  <b>reflected</b> [1] - 38:11  <b>regard</b> [5] - 40:5, 41:24, 41:25, 42:18, 42:24  <b>regarding</b> [1] - 25:23  <b>register</b> [1] - 39:3  <b>registration</b> [10] - 21:6, 24:3, 32:16, 32:24, 35:17,</p>	<p>38:24, 39:21, 39:25, 40:10, 41:3  <b>regularly</b> [1] - 20:15  <b>related</b> [4] - 20:25, 21:17, 29:10, 41:3  <b>relates</b> [1] - 40:25  <b>relating</b> [4] - 31:8, 31:12, 32:4, 32:18  <b>relationship</b> [2] - 6:20, 8:5  <b>relatively</b> [3] - 31:4, 38:3, 44:25  <b>relaxed</b> [1] - 2:4  <b>releases</b> [1] - 16:2  <b>RELKIN</b> [1] - 4:25  <b>Relkin</b> [6] - 1:11, 4:22, 17:8, 17:25, 18:12, 19:16  <b>rely</b> [1] - 33:21  <b>remarkable</b> [1] - 6:9  <b>remind</b> [2] - 2:5, 2:7  <b>remiss</b> [1] - 38:6  <b>removal</b> [1] - 21:17  <b>removed</b> [1] - 20:25  <b>replace</b> [1] - 19:21  <b>report</b> [8] - 10:25, 11:11, 11:21, 26:18, 31:17, 45:15, 45:16  <b>Reporter</b> [1] - 1:21  <b>reporter</b> [1] - 48:15  <b>reports</b> [1] - 31:6  <b>represent</b> [4] - 9:14, 12:23, 27:2, 44:8  <b>representation</b> [2] - 12:18, 27:4  <b>representative</b> [1] - 3:12  <b>representatives</b> [1] - 13:2  <b>represented</b> [1] - 11:18  <b>representing</b> [3] - 15:14, 15:15, 15:16  <b>reputation</b> [1] - 36:14  <b>request</b> [2] - 16:18, 39:1  <b>requesting</b> [1] - 40:9  <b>require</b> [5] - 21:18, 22:10, 39:2, 39:14, 40:4  <b>required</b> [1] - 39:5  <b>requirements</b> [5] - 24:11, 26:13, 44:23, 45:1, 45:12  <b>reversion</b> [2] - 21:19, 29:16  <b>revisions</b> [6] - 28:9, 28:11, 28:21, 29:14, 29:18, 30:3  <b>resident</b> [1] - 20:21  <b>residents</b> [1] - 19:19  <b>resolution</b> [20] - 14:12, 15:3, 15:19, 17:7, 17:17, 17:21, 17:24, 18:4, 18:6, 18:19, 19:8, 22:5, 22:9, 31:18, 32:20, 34:7, 35:3, 35:25, 36:24, 43:1  <b>resolve</b> [3] - 4:10, 21:5,</p>	<p>32:12  <b>resolving</b> [1] - 15:10  <b>respect</b> [19] - 12:19, 24:11, 24:14, 24:18, 24:21, 24:24, 25:17, 26:17, 26:21, 27:1, 27:17, 27:25, 28:3, 28:9, 30:2, 35:1, 36:5, 46:14, 46:22  <b>respected</b> [4] - 6:7, 12:2, 36:18, 36:19  <b>respective</b> [4] - 2:25, 15:14, 15:15, 46:17  <b>respectively</b> [1] - 3:5  <b>respond</b> [1] - 38:12  <b>responding</b> [1] - 38:2  <b>response</b> [1] - 38:14  <b>responsibility</b> [3] - 18:17, 37:17, 48:5  <b>responsible</b> [3] - 22:5, 31:17, 33:4  <b>result</b> [5] - 2:22, 4:17, 5:13, 28:25, 33:23  <b>resulting</b> [2] - 29:4, 30:8  <b>resurfacing</b> [1] - 20:22  <b>retained</b> [3] - 13:7, 34:22, 36:8  <b>Retired</b> [3] - 36:8, 36:9, 36:12  <b>review</b> [7] - 29:10, 30:5, 36:5, 36:21, 43:11, 45:3, 46:24  <b>reviewing</b> [3] - 39:10, 40:14, 41:11  <b>revised</b> [14] - 22:12, 23:9, 23:12, 24:12, 24:13, 24:17, 24:25, 26:6, 27:2, 27:20, 27:21, 27:24, 27:25, 39:5  <b>revision</b> [18] - 21:21, 22:7, 24:21, 25:1, 25:6, 25:14, 27:9, 27:14, 27:15, 28:10, 28:11, 28:25, 29:4, 29:11, 29:14, 30:8, 31:22, 35:16  <b>revisions</b> [3] - 14:3, 26:10, 28:21  <b>Richard</b> [3] - 1:19, 2:16, 7:18  <b>rights</b> [4] - 26:22, 26:24, 45:7, 45:23  <b>rigorous</b> [1] - 6:23  <b>RMR</b> [2] - 1:21, 49:10  <b>road</b> [1] - 19:23  <b>Robert</b> [1] - 1:15  <b>Robinson</b> [3] - 5:7, 7:13, 18:14  <b>rogue</b> [1] - 20:12  <b>role</b> [8] - 7:16, 8:19, 9:15, 9:16, 36:13, 36:20, 38:15, 41:14  <b>roles</b> [5] - 10:4, 10:7, 10:8, 10:15, 10:17</p>
--	--	---	--

<p><b>room</b> [3] - 9:12, 12:7, 42:9  <b>rules</b> [1] - 2:4  <b>rumor</b> [1] - 23:7  <b>running</b> [1] - 35:8</p> <p style="text-align: center;"><b>S</b></p> <p><b>sacrificed</b> [1] - 12:22  <b>sadly</b> [1] - 5:19  <b>safety</b> [1] - 13:9  <b>sage</b> [1] - 5:21  <b>San</b> [3] - 2:16, 8:3, 13:13  <b>sat</b> [1] - 18:2  <b>schedule</b> [1] - 6:23  <b>scores</b> [1] - 6:10  <b>sealed</b> [1] - 16:16  <b>seamlessly</b> [1] - 6:13  <b>second</b> [3] - 13:20, 22:1, 27:25  <b>secondarily</b> [1] - 39:4  <b>secure</b> [2] - 40:8, 41:2  <b>secured</b> [1] - 39:15  <b>see</b> [1] - 42:1  <b>Seeger</b> [9] - 1:13, 5:7, 7:8, 8:22, 8:23, 13:20, 18:15, 33:10, 41:15  <b>SEEGER</b> [2] - 41:17, 43:5  <b>seeing</b> [1] - 47:24  <b>seek</b> [1] - 42:21  <b>seeking</b> [2] - 40:1, 41:24  <b>send</b> [1] - 43:2  <b>sense</b> [2] - 29:13, 43:12  <b>sent</b> [1] - 31:14  <b>series</b> [1] - 3:21  <b>seriously</b> [2] - 32:11, 39:20  <b>serve</b> [2] - 9:14, 33:24  <b>served</b> [1] - 41:13  <b>set</b> [7] - 9:17, 13:23, 14:11, 22:14, 25:7, 27:16, 43:7  <b>Seth</b> [1] - 10:11  <b>settlement</b> [46] - 6:19, 9:22, 15:10, 16:3, 19:18, 20:2, 20:9, 20:14, 22:10, 22:11, 22:13, 22:15, 25:23, 26:7, 27:16, 28:23, 29:12, 30:12, 30:15, 30:18, 30:21, 30:24, 31:2, 31:16, 31:24, 31:25, 32:13, 33:6, 33:17, 34:13, 34:18, 35:10, 35:12, 38:20, 39:3, 39:13, 41:7, 42:6, 42:12, 42:23, 42:24, 44:15, 44:23, 45:14, 46:2, 46:4  <b>Settlement</b> [6] - 1:6, 16:14, 17:19, 18:8, 28:14, 30:24  <b>SETTLEMENT</b> [1] - 1:8  <b>settlements</b> [2] - 31:23, 36:18  <b>several</b> [1] - 3:7  <b>shall</b> [1] - 47:10</p>	<p><b>shaped</b> [1] - 12:5  <b>share</b> [4] - 5:25, 26:3, 32:24, 42:15  <b>shared</b> [5] - 8:15, 25:20, 26:1  <b>sharing</b> [1] - 32:17  <b>SHARKO</b> [2] - 10:23, 19:11  <b>Sharko</b> [6] - 1:16, 10:22, 12:25, 17:15, 19:10, 33:14  <b>Shea</b> [1] - 13:13  <b>shepherded</b> [1] - 7:17  <b>shortly</b> [2] - 9:23, 35:18  <b>show</b> [1] - 26:2  <b>side</b> [2] - 4:12, 43:24  <b>sides</b> [7] - 3:15, 16:5, 17:1, 39:16, 39:18, 41:9, 46:23  <b>signed</b> [5] - 20:2, 31:7, 35:13, 40:17, 40:23  <b>significant</b> [6] - 4:10, 25:25, 28:20, 30:7, 44:3, 46:18  <b>similar</b> [3] - 4:17, 7:3, 35:10  <b>similarly</b> [1] - 7:20  <b>simple</b> [2] - 27:11, 45:1  <b>simplify</b> [1] - 35:20  <b>simply</b> [1] - 27:9  <b>singular</b> [1] - 5:12  <b>Sistrunk</b> [1] - 10:12  <b>sit</b> [2] - 2:25, 17:23  <b>sits</b> [1] - 7:10  <b>sitting</b> [3] - 9:10, 10:1, 36:15  <b>situation</b> [4] - 17:18, 18:4, 18:6, 33:18  <b>situations</b> [1] - 36:22  <b>six</b> [2] - 18:22, 42:5  <b>six-month</b> [1] - 18:22  <b>Skikos</b> [9] - 1:10, 5:5, 7:1, 17:8, 17:24, 18:12, 19:16, 23:23, 33:14  <b>SKIKOS</b> [1] - 23:24  <b>skilled</b> [1] - 37:20  <b>slight</b> [1] - 40:4  <b>smaller</b> [1] - 9:2  <b>smoking</b> [1] - 27:13  <b>solid</b> [1] - 26:5  <b>sometime</b> [1] - 46:1  <b>sometimes</b> [4] - 5:1, 15:16, 38:1, 38:4  <b>somewhat</b> [4] - 17:10, 38:4, 38:15, 39:23  <b>somewhere</b> [1] - 14:4  <b>soon</b> [5] - 29:11, 31:4, 32:3, 46:7, 47:24  <b>sorry</b> [1] - 41:15  <b>sort</b> [2] - 36:18, 42:8  <b>sought</b> [1] - 42:4  <b>sound</b> [1] - 9:8  <b>sounds</b> [1] - 48:18</p>	<p><b>space</b> [2] - 22:22, 22:25  <b>span</b> [1] - 11:4  <b>speaker</b> [1] - 33:10  <b>speakers</b> [4] - 2:7, 24:1, 33:14, 47:5  <b>speaking</b> [2] - 3:22, 47:7  <b>special</b> [7] - 8:1, 24:6, 28:14, 29:25, 36:7, 48:21  <b>specific</b> [5] - 25:7, 27:15, 32:17, 44:15, 44:19  <b>speculation</b> [3] - 16:1, 23:7, 25:18  <b>spending</b> [1] - 42:11  <b>spent</b> [1] - 17:9  <b>Spielbusch</b> [1] - 1:21  <b>spoken</b> [2] - 9:11, 48:2  <b>Spore</b> [3] - 1:21, 49:9, 49:10  <b>spring</b> [1] - 45:21  <b>stage</b> [2] - 4:16, 44:1  <b>stand</b> [1] - 12:21  <b>started</b> [3] - 3:2, 20:13, 32:17  <b>starting</b> [1] - 47:3  <b>State</b> [10] - 2:13, 3:7, 4:21, 7:20, 8:2, 36:16, 43:20, 46:20, 46:24, 47:2  <b>state</b> [25] - 3:3, 3:10, 5:9, 5:10, 5:15, 5:24, 6:3, 6:16, 8:14, 9:18, 9:20, 10:8, 11:17, 11:18, 12:10, 14:24, 17:4, 24:10, 24:15, 25:20, 25:24, 33:16, 36:15, 37:22, 37:23  <b>statement</b> [1] - 16:15  <b>States</b> [3] - 19:20, 20:23, 25:13  <b>states</b> [1] - 5:18  <b>STATES</b> [2] - 1:1, 1:9  <b>status</b> [2] - 10:25  <b>Steering</b> [1] - 10:9  <b>stellar</b> [1] - 7:3  <b>stenography</b> [1] - 1:24  <b>Steve</b> [7] - 7:1, 18:12, 33:14, 34:7, 35:21, 38:21, 39:8  <b>Steven</b> [2] - 1:10, 5:5  <b>still</b> [2] - 19:25, 25:3  <b>stipulated</b> [1] - 39:1  <b>Stoldt</b> [1] - 48:14  <b>stood</b> [1] - 35:4  <b>stop</b> [2] - 31:1, 36:25  <b>strategic</b> [1] - 6:4  <b>Street</b> [1] - 34:11  <b>stroke</b> [2] - 21:22, 29:2  <b>strongly</b> [1] - 30:14  <b>structure</b> [3] - 34:15, 37:3, 46:2  <b>structured</b> [1] - 21:9  <b>stuff</b> [1] - 32:23</p>	<p><b>subject</b> [1] - 21:13  <b>submit</b> [2] - 39:1, 41:21  <b>subsequent</b> [1] - 28:11  <b>substantive</b> [1] - 41:1  <b>success</b> [1] - 5:9  <b>sufficient</b> [1] - 46:16  <b>summer</b> [1] - 45:22  <b>Superior</b> [3] - 2:16, 2:18, 13:16  <b>supervision</b> [1] - 12:1  <b>supplement</b> [1] - 47:8  <b>supplemental</b> [3] - 21:15, 21:25, 22:3  <b>support</b> [2] - 6:18, 8:17  <b>surgeons</b> [1] - 23:14  <b>surgeries</b> [2] - 21:19, 21:20  <b>surgery</b> [11] - 13:10, 19:20, 20:23, 21:21, 22:7, 25:14, 28:25, 29:4, 29:11, 29:14, 35:16  <b>survive</b> [1] - 14:7  <b>Susan</b> [8] - 1:16, 23:22, 23:24, 24:10, 31:5, 33:14, 34:7, 44:2  <b>swift</b> [1] - 39:18  <b>system</b> [3] - 20:22, 36:7</p> <p style="text-align: center;"><b>T</b></p> <p><b>table</b> [3] - 7:4, 9:11, 16:6  <b>talent</b> [2] - 5:10, 5:11  <b>talented</b> [3] - 7:5, 12:6, 37:20  <b>tall</b> [1] - 43:17  <b>task</b> [1] - 9:22  <b>tasked</b> [1] - 18:17  <b>taught</b> [1] - 13:25  <b>team</b> [12] - 4:9, 6:13, 6:17, 7:3, 8:10, 8:13, 13:20, 13:22, 15:22, 19:15, 19:16, 28:14  <b>teams</b> [1] - 6:4  <b>technical</b> [1] - 13:25  <b>technology</b> [1] - 6:2  <b>teed</b> [1] - 7:24  <b>telephonically</b> [1] - 7:19  <b>terms</b> [9] - 9:9, 12:20, 17:19, 22:14, 23:25, 24:9, 27:15, 30:18, 36:25  <b>THE</b> [20] - 1:8, 2:2, 10:21, 11:13, 15:6, 16:18, 17:11, 19:9, 23:22, 33:13, 37:9, 41:15, 43:3, 43:6, 46:12, 47:13, 47:21, 48:1, 48:7, 48:11  <b>theirs</b> [1] - 44:9  <b>themselves</b> [2] - 3:24, 38:24  <b>thereafter</b> [1] - 35:18  <b>therefore</b> [1] - 4:21</p>
--	--	--	---

<p><b>they've</b> [1] - 19:3  <b>thinking</b> [1] - 12:5  <b>third</b> [1] - 11:3  <b>third-party</b> [1] - 11:3  <b>thorough</b> [1] - 38:12  <b>thousands</b> [2] - 37:22, 37:23  <b>three</b> [15] - 3:18, 5:2, 12:8, 12:11, 12:12, 12:16, 15:2, 18:17, 24:1, 27:17, 27:18, 36:7, 37:16, 38:16, 43:7  <b>throughout</b> [2] - 12:4, 40:21  <b>timely</b> [3] - 34:17, 37:7, 38:13  <b>tirelessly</b> [2] - 7:7, 9:12  <b>title</b> [1] - 47:10  <b>today</b> [30] - 6:18, 7:4, 7:7, 7:9, 7:11, 7:19, 8:6, 8:20, 8:22, 9:5, 10:1, 10:3, 10:10, 10:18, 10:20, 11:18, 11:22, 14:14, 16:13, 19:12, 31:7, 34:4, 34:5, 35:3, 35:4, 35:13, 37:6, 46:10  <b>today's</b> [1] - 46:14  <b>together</b> [19] - 5:8, 5:11, 5:19, 6:8, 8:15, 13:16, 14:10, 17:5, 17:6, 17:22, 18:1, 23:17, 24:16, 26:3, 30:9, 30:19, 32:22, 42:12  <b>Toledo</b> [2] - 1:5, 1:22  <b>took</b> [1] - 20:23  <b>top</b> [1] - 47:8  <b>topics</b> [1] - 6:5  <b>tort</b> [3] - 5:20, 6:7, 35:2  <b>torts</b> [3] - 12:3, 12:17, 16:22  <b>toxicology</b> [1] - 13:9  <b>Tracy</b> [4] - 1:21, 48:14, 49:9, 49:10  <b>TRANSCRIPT</b> [1] - 1:8  <b>transcript</b> [6] - 1:25, 11:5, 38:23, 39:11, 40:14, 49:5  <b>trauma</b> [2] - 25:6, 25:9  <b>treatment</b> [1] - 22:8  <b>tremendous</b> [2] - 16:5, 32:8  <b>trial</b> [14] - 6:8, 6:23, 7:24, 8:10, 8:11, 8:13, 8:18, 9:16, 9:17, 9:19, 11:9, 13:11, 13:17, 14:8  <b>trials</b> [7] - 6:6, 6:24, 7:25, 8:17, 8:18, 11:8, 15:17  <b>tribology</b> [1] - 13:8  <b>tried</b> [4] - 8:9, 11:8, 13:20, 13:21  <b>Trotter</b> [1] - 36:9  <b>truism</b> [2] - 16:9, 30:16  <b>truisms</b> [1] - 17:11  <b>truly</b> [2] - 22:20, 37:20  <b>try</b> [8] - 13:15, 14:1, 14:5,</p>	<p>17:23, 23:25, 31:10, 33:17, 47:8  <b>trying</b> [6] - 13:3, 14:12, 27:10, 33:8, 42:10  <b>Tucker</b> [2] - 1:15, 19:13  <b>tucker</b> [1] - 17:15  <b>turn</b> [5] - 31:9, 32:16, 33:11, 37:18, 38:18  <b>two</b> [3] - 9:16, 11:8, 21:9  <b>type</b> [2] - 32:24, 35:19  <b>types</b> [3] - 32:2, 32:9, 32:10  <b>typically</b> [1] - 16:21</p> <p style="text-align: center;"><b>U</b></p> <p><b>U.S</b> [10] - 19:19, 20:9, 20:14, 20:20, 20:24, 21:9, 22:24, 23:9, 25:12  <b>ultimately</b> [3] - 41:5, 41:7, 42:5  <b>uncomplicated</b> [1] - 35:15  <b>under</b> [5] - 12:1, 21:11, 21:15, 26:24, 36:21  <b>undergone</b> [1] - 14:2  <b>understatement</b> [1] - 44:4  <b>undertake</b> [1] - 16:24  <b>undoubtedly</b> [1] - 2:3  <b>unfiled</b> [1] - 39:4  <b>unfortunately</b> [2] - 28:10, 28:24  <b>unique</b> [1] - 29:12  <b>UNITED</b> [2] - 1:1, 1:9  <b>United</b> [3] - 19:20, 20:23, 25:13  <b>unless</b> [1] - 43:14  <b>unrelated</b> [1] - 27:14  <b>unrepresented</b> [1] - 21:5  <b>unrevised</b> [6] - 24:17, 24:18, 26:21, 27:2, 28:3, 39:6  <b>unseal</b> [1] - 16:17  <b>unsealed</b> [1] - 16:19  <b>up</b> [8] - 2:8, 7:24, 15:25, 26:2, 31:8, 31:14, 35:4, 35:8  <b>updated</b> [1] - 20:15  <b>USAASRsettlement.com</b> [1] - 35:9</p> <p style="text-align: center;"><b>V</b></p> <p><b>valued</b> [1] - 20:3  <b>various</b> [5] - 3:10, 6:4, 16:8, 25:20  <b>verdict</b> [1] - 11:8  <b>video</b> [4] - 2:13, 6:22, 7:22, 41:18  <b>Vioxx</b> [1] - 42:3  <b>virtually</b> [1] - 35:7</p>	<p><b>virtue</b> [1] - 10:7  <b>voices</b> [1] - 2:8  <b>volunteered</b> [1] - 10:19</p> <p style="text-align: center;"><b>W</b></p> <p><b>wager</b> [1] - 12:11  <b>wait</b> [3] - 14:8, 28:3, 45:11  <b>waiting</b> [1] - 5:3  <b>walk</b> [5] - 45:7, 45:10, 45:13, 45:22, 45:23  <b>walk-away</b> [3] - 45:7, 45:22, 45:23  <b>walked</b> [1] - 20:1  <b>Walkup</b> [1] - 7:4  <b>Wall</b> [1] - 34:10  <b>Ward</b> [1] - 10:11  <b>waste</b> [1] - 6:1  <b>website</b> [10] - 20:10, 20:15, 21:8, 35:4, 35:6, 35:8, 35:10, 35:22, 40:20, 40:21  <b>websites</b> [5] - 20:12, 33:18, 33:19, 33:22, 40:12  <b>Wednesday</b> [1] - 46:19  <b>week</b> [3] - 18:21, 35:12, 46:18  <b>weeks</b> [1] - 18:2  <b>Weiss</b> [2] - 8:22, 13:20  <b>Weitz</b> [2] - 9:25, 13:21  <b>welcome</b> [2] - 2:10, 2:12  <b>welcomed</b> [1] - 2:22  <b>well-respected</b> [1] - 12:2  <b>Wendy</b> [1] - 10:10  <b>WESTERN</b> [1] - 1:2  <b>wide</b> [1] - 3:21  <b>wide-reaching</b> [1] - 3:21  <b>winding</b> [1] - 19:22  <b>wishes</b> [1] - 4:23  <b>witness</b> [1] - 11:10  <b>witnesses</b> [2] - 6:10, 11:3  <b>women</b> [1] - 19:14  <b>wonderful</b> [1] - 19:3  <b>word</b> [2] - 19:25, 44:2  <b>words</b> [2] - 34:13, 44:4  <b>worry</b> [1] - 32:1  <b>worst</b> [1] - 30:10  <b>wrestling</b> [1] - 23:16</p> <p style="text-align: center;"><b>X</b></p> <p><b>XL</b> [1] - 20:21</p> <p style="text-align: center;"><b>Y</b></p> <p><b>Yanni</b> [1] - 36:10  <b>year</b> [3] - 29:15, 44:21, 45:22</p>	<p><b>years</b> [15] - 3:18, 4:3, 5:2, 12:8, 12:16, 15:2, 18:17, 19:6, 32:11, 36:14, 36:15, 37:12, 37:16, 38:16, 42:22  <b>yesterday</b> [1] - 16:15  <b>York</b> [2] - 12:8, 34:10</p> <p style="text-align: center;"><b>Z</b></p> <p><b>Zoha</b> [2] - 1:17, 19:13</p>
---	--	--	--