

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

2:09-cv-04414-SDW-MCA

IN RE: ZIMMER DUROM HIP CUP
PRODUCTS LIABILITY LITIGATION

MDL-2158

This Document Relates To All Cases

CASE MANAGEMENT ORDER
REGARDING SETTLEMENT AGREEMENT*

WHEREAS, the Zimmer defendants (collectively “Zimmer”) and Claimants’ Liaison Counsel (“CLC”) have entered into a binding Settlement Agreement (attached as Exhibit A; the “Settlement Agreement”) to resolve cases and claims of United States plaintiffs and claimants who underwent a revision of a Durom Acetabular Component (the “Durom Cup”), including but not limited to cases in this MDL; and,

WHEREAS, Case Management Orders in this MDL require amendment to effectuate the Settlement Agreement; and,

FOR GOOD CAUSE APPEARING,

IT IS THIS 13th day of May, 2016, ORDERED as follows:

1. Case Management Order No. 1, Section XV. Settlement Period (Oct. 17; “Section XV”), and subsequent Case Management Orders that address and/or implement Section XV, including but not limited to the Third Scheduling Order, ¶ 3 (Oct. 234), **are stayed so long as the Settlement Agreement remains in effect.**

2. All plaintiffs who currently have cases filed in this MDL, and all future plaintiffs who file cases in this MDL no later than May 31, 2016, **shall participate in the process established by the Settlement Agreement,** including but not limited to satisfying all deadlines

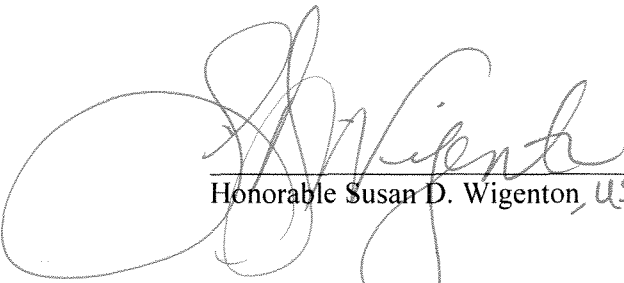
established in the Settlement Agreement.¹ If any individual plaintiff does not participate in the process established by the Settlement Agreement, including satisfying all deadlines established by the Settlement Agreement, their individual case may be the subject of a dismissal motion by Zimmer.

3. Case-specific discovery that is governed by existing Case Management Orders, including but not limited to the Initial Scheduling Order (Dct. 50), the Third Scheduling Order (Dct. 234), and the Order Clarifying The Third Scheduling Order (Dct. 246), is stayed so long as the Settlement Agreement remains in effect, subject only to the exception listed in paragraph 4.

4. Case-specific discovery may proceed in cases in which an Eligible Claimant has not accepted Zimmer's award amount as described in the Settlement Agreement, and the Eligible Claimant and Zimmer have filed a "Joint Notice of Unsettled Case."²

SO ORDERED.

Dated:

May 13, 2016 
Honorable Susan D. Wigenton, USPJ

*For the reasons set forth on the record on Wed, May 4, 2016.

¹ For the purpose of implementing this Order, Zimmer agrees that the deadline to register under the Settlement Agreement shall be extended from April 29, 2016, to and including May 31, 2016.

² This Court retains jurisdiction over the issues related to *Lexecon*. See Opinion (Dkt. 750) and Order (Dkt. 751).