

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: STRYKER REJUVENATE AND
ABG II HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/FLN)

AMENDED PRETRIAL ORDER NO. 12

This Document Relates to All Actions

The Court met with Plaintiffs' Lead Counsel Committee, and Defense Counsel on March 12, 2014 to discuss scheduling in the above referenced cases. In advance of the Scheduling Conference, at the Court's direction, each side submitted proposed scheduling Orders. After meeting with the parties and reviewing their respective proposed schedules, the Court entered Pretrial Order No. 12. At the Status Conference of March 20, Counsel offered their respective comments regarding the schedule set forth in Pretrial Order No. 12. In light of Counsel's comments at the March 20, 2014 Status Conference, the Court hereby issues this Amended Pretrial Order No. 12.

By the time of the August, 2014 status conference, the Court anticipates having in place detailed scheduling orders for between 3 and 5 bellwether cases, that will have those 3-5 cases trial ready during the summer of 2015. To that end, **IT IS HEREBY ORDERED** that:

1. In advance of the May 1, 2014 status conference, counsel shall meet and confer to agree upon no fewer than three and no more than 5 (or such other reasonable number to which counsel can agree) bellwether categories into which to divide the cases in this MDL;

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2. If counsel are unable to agree by April 1, 2014 to a reasonable number of categories into which to divide the cases, counsel shall submit to the Court, their respective proposals regarding how many bellwether categories are needed with a brief description (no more than 300 words per category described) of the type of cases that should be in each category;
3. The Court will thereafter issue an order identifying the number and definition of the bellwether categories into which these cases will be divided;
4. In advance of the June 12, 2014 status conference, counsel shall meet, confer, and agree upon three cases that should be designated as lead cases in each category. To qualify for such designation, the case should be reasonably representative of the other cases in the category;
5. If counsel are not able to agree upon which cases in each category should be designated as lead cases, counsel shall submit with their joint agenda for the June 12, 2014 status conference, the names of the three cases each contends should be the lead cases in each category with a brief description (not to exceed 300 words per case) why each case should be so designated;
6. The Court will thereafter issue an Order that identifies three lead cases in each bellwether category.
7. In advance of the August, 2014 status conference, counsel shall propose a scheduling order that will govern each of the lead bellwether cases in each category.
8. If counsel cannot agree upon a stipulated scheduling order in advance of the August, 2014 status conference, they shall submit with their joint agenda for that conference their respective proposals for what the scheduling order for each case should say.

9. At an appropriate time, Magistrate Judge Noel will continue to reach out to the New Jersey and Florida state court judges to explore ways in which the three courts might facilitate a coordinated settlement of all of the state and federal cases in which plaintiffs allege they suffered injury from dual modular hip replacement prostheses sold under the names “Rejuvenate ®” and “ABG II.”

Dated: March 24, 2014

s/Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Dated: March 25, 2014

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge