

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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

This Document Relates to All Actions

MDL No. 13-2441 (DWF/FLN)

**SECOND AMENDED
PRETRIAL ORDER NO. 8**

**REGARDING SERVICE OF
PLAINTIFF PRELIMINARY
DISCLOSURES AND FACT SHEETS**

The Parties previously submitted an agreed-upon pretrial order regarding service of Plaintiff Preliminary Disclosures and Fact Sheets and forms for use by each Plaintiff in providing preliminary and more extensive case-specific factual information in the above-referenced matter, which was memorialized in Pretrial Order No. 8. (*See* Doc. No. 146.) For clarity, the forms are attached hereto as Exhibits A and B, respectively. The Parties have agreed that the forms can be computerized, which may necessitate format modifications.

The Parties subsequently reached an agreement to suspend Plaintiff Fact Sheet obligations in cases where the Plaintiff had not undergone any revision surgery prior to commencing suit, which was memorialized in Amended Pretrial Order No. 8. (*See* Doc. No. 363.) The Parties have now agreed that in cases in which a previously unrevised Plaintiff undergoes revision surgery subsequent to commencing an action, the Plaintiff shall serve a completed Fact Sheet, medical records, and authorizations within 90 days of

the revision surgery. This Order is intended to memorialize that agreement, as well as clarify the previously ordered deadlines.

IT IS HEREBY ORDERED that:

1. The form and content of the Master Plaintiff's Preliminary Disclosure Form attached hereto as Exhibit A is approved and adopted. Deadlines to file the Master Plaintiff's Preliminary Disclosure Form are as follows:

a. Plaintiffs in matters pending in MDL No. 13-2441 (DWF/FLN) as of the date of Pretrial Order No. 8, December 23, 2013, will serve executed Master Plaintiff's Preliminary Disclosure Form within 50 days thereof, or by February 11, 2014.

b. Plaintiffs in matters filed in or transferred to MDL No. 13-2441 (DWF/FLN) after the date of Pretrial Order No. 8, December 23, 2013, will serve executed Master Plaintiff's Preliminary Disclosure Form within 30 days after the case is transferred to or filed in MDL No. 13-2441 (DWF/FLN).

2. The form and content of the Plaintiff Fact Sheet attached hereto as Exhibit B is approved and adopted. Deadlines to file the Plaintiff Fact Sheet are as follows:

a. Plaintiffs in matters pending in MDL No. 13-2441 (DWF/FLN) as of the date of Pretrial Order No. 8, December 23, 2013, will serve an executed Plaintiff Fact Sheet within 80 days thereof, or by March 13, 2014.

b. Plaintiffs in matters filed in or transferred to MDL 13-2441 (DWF/FLN) after the date of Pretrial Order No. 8, December 23, 2014, will serve an executed Plaintiff Fact Sheet within 60 days after the case is transferred to or filed in MDL No. 13-2441 (DWF/FLN).

3. Where a Plaintiff has not yet undergone revision surgery, the Plaintiff's Fact Sheet obligations are suspended. If such Plaintiff subsequently undergoes revision surgery, the Plaintiff shall serve a completed Fact Sheet, medical records and authorizations within 90 days following the revision surgery.

Dated: July 18, 2014

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