

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**In re: STRYKER REJUVENATE AND
ABGII HIP IMPLANT PRODUCTS
LIABILITY LITIGATION**

MDL No. 13-2441 (DWF/FLN)

This Document Relates to All Actions

PRETRIAL ORDER NO. 5

**ORDER DESIGNATING PLAINTIFFS' LEAD COUNSEL COMMITTEE,
LIAISON COUNSEL, AND STEERING COMMITTEE
& DEFENDANTS' LEAD COUNSEL AND LIAISON COUNSEL**

I. ORGANIZATIONAL STRUCTURE: PLAINTIFFS

The Court hereby orders the following organizational structure for Plaintiffs:

A. Plaintiffs' Lead Counsel Committee

Plaintiffs' Lead Counsel Committee Chairperson:

Peter J. Flowers
Meyers & Flowers
Chicago, IL

Plaintiffs' Lead Counsel Committee Members:

Annesley H. DeGaris
Cory Watson Crowder & Degaris, PC
Birmingham, AL

Eric Kennedy
Weisman, Kennedy & Berris Co., L.P.A.
Cleveland, OH

Wendy R. Fleishman
Lief Cabraser Heimann & Bernstein, LLP
New York, NY

Genevieve M. Zimmerman
Zimmerman Reed, PLLP
Minneapolis, MN

Ben W. Gordon, Jr.
Levin Papantonio, P.A.
Pensacola, FL

The Court notes the importance of the role of each Lead Counsel Committee Member and thanks Ms. Zimmerman for her work and efforts as Plaintiffs' Interim Lead Counsel.

The duties of the **Plaintiffs' Lead Counsel Committee** are as follows:

- i. Determine (after consultation with other members of Plaintiffs' Steering Committee and other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties, the position of the Plaintiffs on all matters arising during pretrial proceedings;
- ii. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs consistent with the requirements of the Federal Rules of Civil Procedure relating to discovery and the terms of the Deposition Protocols adopted in this litigation;
- iii. Conduct settlement negotiations on behalf of Plaintiffs, but not enter binding agreements except to the extent expressly authorized;
- iv. Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for the Plaintiffs is conducted effectively, efficiently, and economically;
- v. Enter into stipulations with opposing counsel, necessary for the conduct of the litigation;

- vi. Prepare and distribute to the parties periodic status reports;
- vii. Maintain adequate time and disbursement records covering services of designated counsel and establish guidelines, for approval by the Court, as to the keeping of time records and expenses;
- viii. Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
- ix. Perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further Order of the Court; and
- x. Submit, if appropriate, additional committees and counsel for designation by the Court.

B. Plaintiffs' Liaison Counsel

Liaison Counsel to the District of Minnesota

Anthony J. Nemo
Meshbesh & Spence, Ltd.
Minneapolis, MN

Liaison Counsel to the State Courts

Jesse Bernheim
Kelly, Bernheim & Dolinsky, LLC
Plantation, FL

The duties of **Liaison Counsel to the District of Minnesota** are defined as:

- i. Service List: Maintain and distribute to co-counsel and to Defendants' Liaison Counsel an up-to-date service list;
- ii. Accept Service: Receive and, as appropriate, distribute to co-counsel Orders from the Court and documents from opposing parties and counsel;

- iii. MDL Case File & Document Depository: Maintain and make available to co-counsel and other Plaintiffs' counsel at reasonable hours a complete electronic file of all documents served by or upon each party; and
- iv. Organize and submit necessary documents to both the Court and the Clerk of Court.

The duties of **Liaison Counsel to the State Courts, including the Multi-County Litigation pending in New Jersey**, include:

- i. Monitor and report to the Court regarding status of various state court proceedings, including particularly the Multi-County Litigation coordinated before Judge Martinotti in New Jersey.
- ii. Assist the LCC and the Court in promoting a just and efficient MDL.

C. Plaintiffs' Steering Committee

The members of **Plaintiffs' Steering Committee** shall consult with and be led by the Plaintiffs' Lead Counsel Committee in conducting all Plaintiffs' pretrial activities and in planning for and conducting trial of these cases, and the potential resolution of these matters. From Plaintiffs' Steering Committee shall also be formed such sub-committees or other committees as the litigation of this matter may require.

Plaintiffs' Steering Committee Chairperson:

Adam J. Levitt
Grant & Eisenhofer P.A.
Chicago, IL

Plaintiffs' Steering Committee Members:

Rachel Abrams
Levin Simes LLP
San Francisco, CA

Don McKenna
Hare, Wynn, Newell and Newton, LLP
Birmingham, AL

Jeff Bowersox
Bowersox Law Firm P.C.
Lake Oswego, OR

Dianne M. Nast
Nastlaw, LLC
Philadelphia, PA

Chris Coffin
Pendley, Baudin & Coffin, LLP
New Orleans, LA

Joseph A. Osborne
Babbitt Johnson Osborne & LeClainche, P.A.
West Palm Beach, FL

C. Brooks Cutter
Kershaw, Cutter & Ratinoff LLP
Sacramento, CA

Gale Pearson
Pearson, Randall, & Schumacher, PA
Minneapolis, MN

Yvonne Flaherty
Lockridge Grindal Nauen P.L.L.P.
Minneapolis, MN

Shawn Raiter
Larson King, LLP
Saint Paul, MN

Chris Hellums
Pittman, Dutton & Hellums, P.C.
Birmingham, AL

Richard Schlueter
Childers, Schlueter & Smith, LLC
Atlanta, GA

Douglass Kreis
Aylstock, Witkin, Kreis & Overholtz, PLLC
Pensacola, FL

Jasper Ward
Jones Ward PLC
Louisville, KY

Richard Lewis
Hausfeld LLP
Washington, D.C.

Laura Yaeger
Morgan & Morgan
Tampa, FL

Michael McGartland
McGartland & Borchardt, LLP
Fort Worth, TX

II. ORGANIZATIONAL STRUCTURE: DEFENDANTS

A. Defendants' Liaison Counsel

Timothy Griffin
Leonard, Street and Deinard, PA
Minneapolis, MN

B. Defendants' Lead Counsel

Ralph Campillo
Karen Woodward
Segwick LLP
Los Angeles, CA

Each of the appointments made in this Order are of a personal nature.

Accordingly, the above appointees cannot be substituted by other attorneys, including members of the appointee's law firm, except with prior approval of the Court.

Dated: November 5, 2013

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

CONTACT INFORMATION FOR COUNSEL

PLAINTIFFS' LEAD COUNSEL COMMITTEE

Genevieve M. Zimmerman
Zimmerman Reed, PLLP
1100 IDS Center, 80 South 8th Street
Minneapolis, MN 55402
Phone: (612) 341-0400
Email:
Genevieve.Zimmerman@zimmreed.com

Annesley H. DeGaris
Cory Watson Crowder & Degaris, PC
2131 Magnolia Avenue
Birmingham, AL 35205
Phone: (205) 328-2200
Email: adegaris@cwcd.com

Wendy R. Fleischman
Lief Cabraser Heimann & Bernstein, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Phone: (212) 355-9500
Email: wfleishman@lchb.com

Peter J. Flowers
Meyers & Flowers
225 W. Wacker Drive, Suite 1515
Chicago, IL 60606
Phone: (312) 214-1017
Email: pjf@meyers-flowers.com

Ben W. Gordon, Jr.
Levin Papantonio, PA
316 S. Baylen Street, Suite 600
Pensacola, FL 32502-5996
Phone: (850) 435-7090
Email: bgordon@levinlaw.com

Eric Kennedy
Weisman, Kennedy & Berris Co., L.P.A.
1600 Midland Building
101 Prospect Avenue West
Cleveland, OH 44115
Phone: (216) 539-2040
Email: ekennedy@weismanlaw.com

LIAISON COUNSEL

Anthony J. Nemo
Meshbesh & Spence, Ltd.
1616 Park Avenue
Minneapolis, MN 55404
Phone: (612) 339-9121
Email: tnemo@meshbesh.com

Jesse Bernheim
Kelly, Bernheim & Dolinsky, LLC
8151 Peters Road, Suite 3200
Plantation, FL 33324
Phone: (954) 894-5900
Email: jbernheim@kdbattorneys.com

PSC MEMBERS

Rachel Abrams
Levin Simes LLP
353 Sacramento Street, 20th Floor
San Francisco, CA 94111
Phone: (415) 426-3000
Email: rabrams@levinsimes.com

Jeff Bowersox
Bowersox Law Firm P.C.
5285 Meadows Road, Suite 320
Lake Oswego, OR 97035
Phone: (503) 452-5858
Email: Jeffrey@bowersoxlaw.com

Chris Coffin
Pendley, Baudin & Coffin, LLP
1515 Poydras Street, Suite 1400
New Orleans, LA 70118
Phone: (504) 355-0086
Email: ccoffin@pbclawfirm.com

C. Brooks Cutter
Kershaw, Cutter & Ratinoff, LLP
401 Watt Avenue
Sacramento, CA 95864
Phone: (916) 448-9800
Email: bcutter@kcrlegal.com

Yvonne Flaherty
Lockridge Grindal Nauen P.L.L.P.
100 Washington Ave. S.
Suite 100
Minneapolis, MN 55401
Phone: (612) 339-6900
Email: ymflaherty@locklaw.com

Chris Hellums
Pittman, Dutton & Hellums, P.C.
2001 Park Place North, Suite 1100
Birmingham, AL 35203
Phone: (205) 322-8880
Email: chrish@pittmandutton.com

Douglass Kreis
Aylstock, Witkin, Kreis & Overholtz, PLLC
17 East Main Street, Suite 200
Pensacola, FL 32502
Phone: (850) 202-1010
Email: Dkreis@awkolaw.com

Richard Lewis
Hausfeld LLP
1700 K Street, NW, Suite 650
Washington, D.C. 20006
Phone: (202) 540-7200
Email: rlewis@hausfeldllp.com

Adam J. Levitt
Grant & Eisenhofer P.A.
30 North LaSalle Street, Suite 1200
Chicago, IL 60602
Phone: (312) 214-0000
Email: alevitt@gelaw.com

Michael McGartland
McGartland & Borchardt, LLP
University Center I, Suite 500
1300 South University Drive
Fort Worth, TX 76107
Phone: (817) 332-9300
Email: mike@attorneysmb.com

Don McKenna
Hare, Wynn, Newell and Newton, LLP
The Historic Massey Bldg., Suite 800
2025 Third Avenue North
Birmingham, AL 35203
Phone: (205) 328-5330
Email: don@hwnn.com

Dianne M. Nast
Nastlaw, LLC
1101 Market Street, Suite 2801
Philadelphia, PA 19107
Phone: (215) 923-9300
Email: dnast@Nastlaw.com

Joseph A. Osborne
Babbitt Johnson Osborne &
LeClainche, P.A.
1641 Worthington Road, Suite 100
West Palm Beach, FL 33409
Phone: (561) 684-2500
Email:
jaosborne@babbitt-johnson.com

Gale Pearson
Pearson, Randall, & Schumacher, PA
Fifth Street Towers
100 South Fifth Street, # 1025
Minneapolis, MN 55402
Phone: (612) 767-7500
Email: gpearson@prslegal.com

Shawn Raiter
Larson King, LLP
30 East Seventh Street
Suite 2800
Saint Paul, MN 55101
Phone: (651) 312-6518
Email: sraiter@larsonking.com

DEFENSE COUNSEL

Ralph Campillo
Karen Woodward
Sedgwick, LLP
801 South Figueroa Street, 19th Floor
Los Angeles, CA 90017
Phone: (213) 426-6900
Email: ralph.campillo@sedgwicklaw.com
Email:
karen.woodward@sedgwicklaw.com

Richard Schlueter
Childers, Schlueter & Smith, LLC
1932 N. Druid Hills Road, Suite 100
Atlanta, GA 30319
Phone: (404) 419-9500
Email: rschlueter@cssfirm.com

Jasper Ward
Jones Ward PLC
312 South Fourth Street, 6th Floor
Louisville, KY 40202
Phone: (502) 882-6000
Email: jasper@jonesward.com

Laura Yaeger
Morgan & Morgan
201 N. Franklin St., 7th Floor
Tampa, FL 33602
Phone: (813) 318-5171
Email: LYaeger@forthepeople.com

Timothy Griffin
Leonard, Street and Deinard, PA
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402
Phone: (612) 335-1500
Email: timothy.griffin@leonard.com