

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

In re: STRYKER REJUVENATE AND ABGII HIP IMPLANT PRODUCTS LIABILITY LITIGATION
This Document Relates to All Actions

MDL No. 13-2441 (DWF/FLN)

**PRETRIAL ORDER NO. 21**

**ORDER APPOINTING  
SPECIAL MASTER**

Based on the consent of the parties to appoint Retired Magistrate Judge Arthur J. Boylan as Special Master in this matter (Doc. Nos. 393, 395), and after receiving an Affidavit from Retired Magistrate Judge Boylan swearing that there is no ground for disqualification under 28 U.S.C. § 455 (Doc. No. 416):

**IT IS HEREBY ORDERED BY THE COURT**, pursuant to Fed. R. Civ. P. 53, that Arthur J. Boylan is appointed Special Master for settlement purposes to assist Magistrate Judge Franklin L. Noel. The Special Master shall act under Magistrate Judge Noel's direction and supervision, shall proceed with all reasonable diligence to assist Magistrate Judge Noel with settlement proceedings in any and all actions consolidated for pretrial purposes in this MDL, and shall exercise his duties as follows:

1. The Special Master shall have the authority to engage support personnel to assist in the management of the implementation, administration, and allocation of any settlement duties.

2. The rate and source of compensation for the Special Master shall be determined by future order of this Court, with input from counsel.

3. The Special Master shall submit to the Court, with a copy to the Plaintiffs' Lead Counsel Committee ("LCC") and Defendants' Lead Counsel, periodic reports with respect to the status, administration, and management of any settlement. The Court shall determine the frequency of such submissions.

4. The Special Master may communicate *ex parte* with the Court at the discretion of the Special Master and the Court, without providing notice to the parties.

5. Magistrate Judge Noel and the Special Master may initiate contact and communicate with the LCC, defense counsel, or counsel for any claimant, as they deem appropriate, with respect to any settlement proceedings.

6. The Special Master shall not have the authority to:

a. Conduct any pre-trial or trial proceedings, except for conferences as the Special Master deems necessary for purposes of administering and managing any settlement; or

b. Sanction any parties.

7. The appointment of Special Master Arthur J. Boylan is effective as of the date of this Order.

Dated: July 28, 2014

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