

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Stryker Rejuvenate and ABG II
Hip Implant Products Liability Litigation

MDL No. 13-2441 (DWF/BRT)

This Document Relates to:

RALPH DAVID CANNON II,
Administrator of the Estate of RALPH
DAVID CANNON, deceased, and DIANE
CANNON, individually,

Plaintiffs,

v. Civil No. 14-2806 (DWF/BRT)
 Civil No. 18-2560 (DWF/BRT)

HOWMEDICA OSTEONICS d/b/a
STRYKER ORTHOPAEDICS,
STRYKER
CORP., STRYKER SALES
CORPORATION and STRYKER
IRELAND LIMITED

Defendants.

**ORDER GRANTING JOINT
STIPULATION ALLOWING
PLAINTIFF TO SUBSTITUTE
PLAINTIFFS AND FILE FIRST
AMENDED COMPLAINT**

WHEREFORE, UPON CONSIDERATION of Joint Stipulation Allowing Plaintiff to Substitute Plaintiffs and File First Amended Short Form Complaint (MDL No. 13-2441 (DWF/BRT), Doc. No. 1160; Civil No. 14-2806 (DWF/BRT), Doc. No. 17),

IT IS HEREBY ORDERED that Ralph David Cannon II and Diane Cannon be permitted to substitute as proper Plaintiffs in this matter, and that Plaintiffs' proposed Amended Short Form Complaint reflecting that the left hip stem implant has been

explanted, that Ralph David Cannon is now deceased, and that claims are being pursued arising from injuries caused by defects in the recalled hip system, including injuries to the deceased Ralph Cannon and his surviving spouse Diane Cannon, individually, including loss of services and loss of consortium, wrongful death and survivorship action and claims on behalf of his Estate be deemed filed as of August 30, 2018, upon entry of this Court's Order.

IT IS HEREBY FURTHER ORDERED that the proposed Amended Short Form Complaint shall be deemed filed as of August 30, 2018, the date upon which Plaintiffs filed their original Motion for Leave to Amend the Complaint. (Doc. No. 11.)

IT IS HERBY FURTHER ORDERED that Plaintiffs' prior motions to substitute parties and for leave to amend complaint and amendments thereto (Civil No. 14-2806 (DWF/BRT), Doc. Nos. [9], [11], [13], and [15]) are hereby rendered **MOOT**.

IT IS HEREBY FURTHER ORDERED that Plaintiffs' complaint bearing Civil No. 18-2560 (DWF/BRT) is hereby **DISMISSED** in its entirety **WITHOUT PREJUDICE** and without costs to any party.

Dated: November 29, 2018

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