

**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:

DONALD E. RODGERS,

Plaintiff,

v. Civil No. 14-4847 (DWF/BRT)

HOWMEDICA OSTEONICS CORP., a New
Jersey Corporation, d/b/a STRYKER
ORTHOPAEDICS, STRYKER
CORPORATION, a Michigan Corporation,
and STRYKER IRELAND LTD, a foreign
corporation,

Defendants.

**CONSENT ORDER FOR LEAVE TO
FILE FIRST AMENDED SHORT FORM
COMPLAINT**

THIS MATTER having come before the Court jointly by Plaintiff Donald E. Rodgers and Defendant Howmedica Osteonics Corp. (“HOC”), by and through their undersigned attorneys, seeking entry of a Consent Order for Leave to File a First Amended Short Form Complaint, and noting the following:

1. On November 24, 2014, plaintiff Donald E. Rodgers filed a Complaint in the above-noted multidistrict litigation (“MDL”) alleging that plaintiff was implanted with an Affected Product in both his left and right hips and that both hips were unrevised. [Doc. No. 1.]

2. On May 29, 2015, Plaintiff filed a Notice of Revision Surgery indicating that his left hip was revised on January 22, 2015. [Doc. No. 5.]

3. Through additional inquiries, the parties have determined that the left hip is *not* an Affected Product as defined in this MDL.

4. Accordingly, Plaintiff subsequently filed a new complaint in a different litigation, *In re: Stryker LFIT V40 Femoral head Products Liability Litigation*, MDL No. 17-md-2768-IT (D. Mass.), alleging claims as to the left hip only.

5. Plaintiff therefore requests leave of this Court to file a First Amended Short Form Complaint attached hereto as “Exhibit A” to accurately reflect claims as to only the unrevised right hip, and to remove any claims related to the left hip that is currently the subject of an unrelated multidistrict litigation.

The undersigned counsel hereby consent to the terms of the order set forth above.

/s/ Stuart C. Talley

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Attorneys for Howmedica Osteonics Corp.

WHEREFORE, UPON CONSIDERATION of the above, and the parties having agreed to the form, content, and entry of this, Order and for other good cause shown:

IT IS HEREBY ORDERED that Plaintiff shall be permitted to file the First Amended Short Form Complaint attached hereto as “Exhibit A” to accurately reflect Plaintiff Donald E. Rodger’s alleged claims as to only his unrevised right hip, and to remove any claims related to the left hip that is currently the subject of an unrelated multidistrict litigation.

IT IS HERBY FURTHER ORDERED that counsel for Plaintiff must file the First Amended Short Form Complaint within seven (7) days of this Order.

THUS DONE AND SIGNED this 15th day of April, 2019.

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