

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: STRYKER REJUVENATE AND ABG II HIP IMPLANT PRODUCTS LIABILITY LITIGATION
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MDL No. 13-2441 (DWF/BRT)

This Document Relates to ALL ACTIONS
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**ORDER REGARDING FAILURE TO COMPLY WITH PRIOR UNREVISED  
PLAINTIFFS MANDATORY TOLLING ORDER**

In further management of its docket, on September 12, 2019 the Court entered the Order Regarding Unrevised Plaintiffs (“Order”) establishing certain mandatory tolling election obligations on the part of Unrevised Plaintiffs with existing filed cases in this Multidistrict Litigation. (Doc. No. 1394.) Pursuant to that Order, the response deadline was October 28, 2019. (*Id.* ¶ 1(A).) The Order included a provision in paragraph 1(D) noting that failure to timely serve a completed Election Form could result in a sanction, including dismissal of the matter with prejudice. It has come to the Court’s attention that certain Unrevised Plaintiffs have failed to respond pursuant to the September 12, 2019 Order.

Accordingly, **IT IS HEREBY ORDERED:**

1. Those Unrevised Plaintiffs who have failed to respond to date to the Mandatory Tolling Election Obligations set forth in the Court’s prior September 16, 2019 Order Regarding Unrevised Plaintiffs must fully comply by **January 31, 2020**.

2. The complaints of Unrevised Plaintiffs who fail to respond by January 31, 2020 shall be dismissed without prejudice and without further notice.<sup>1</sup>

Date: January 14, 2020

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

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<sup>1</sup> The Court specifically notes that failure of an Unrevised Plaintiff to respond to his or her counsel's communications regarding the tolling Election Form requirements is not appropriate grounds to reject the tolling terms set forth in the September 12, 2019 Order. Rather, if no response is received by counsel, then counsel must identify the matter to lead counsel for Plaintiffs (Pete Flowers, Esq.) and Defendant (Kim Catullo, Esq.) no later than January 31, 2020.