

**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:

MORTON NEUFELD and MARY
NEUFELD,

Plaintiffs,

v. Civil No. 14-4797 (DWF/BRT)

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

Defendants.

**ORDER OF DISMISSAL
WITHOUT PREJUDICE**

In further management of its docket, on January 15, 2020 the Court entered Pretrial Order No. 44 Regarding Pending and Future Requests to Withdraw as Counsel in this MDL (“PTO #44”) (MDL No. 13-2441 (DWF/BRT), Doc. No. [1567]). PTO #44 established certain requirements for Requests to Withdraw as counsel in this MDL, including the requirement that counsel seeking to withdraw in an Unrevised Plaintiff MDL lawsuit advise (or make good faith effort to advise) the Unrevised Plaintiff of the tolling election response obligation and potential dismissal for non-compliance set forth in the Court’s September 12, 2019 Order (MDL No. 13-2441 (DWF/BRT), Doc. No.

[1394]). Pursuant to that PTO #44, counsel in the above captioned, *Morton Neufeld and Mary Neufeld v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, matter filed the required notice with the Court (MDL No. 13-2441 (DWF/BRT), Doc. No. [1594]; Civil No. 14-4797 (DWF/BRT), Doc. No. [8]) and also filed a Suggestion of Death indicating that the Unrevised Plaintiff was deceased (MDL No. 13-2441 (DWF/BRT), Doc. No. [1596]; Civil No. 14-4797 (DWF/BRT), Doc. No. [7]). In response thereto, on January 29, 2020, the Court issued a final notice (MDL No. 13-2441 (DWF/BRT), Doc. No. [1597]; Civil No. 14-4797 (DWF/BRT), Doc. No. [9]) to the Unrevised Plaintiff Neufeld's estate or legal representative regarding the obligation to respond or the matter would be dismissed without prejudice in fourteen days (February 12, 2020). To date, the Unrevised Plaintiff Neufeld's estate or legal representative has not responded to the Court's January 29, 2020 notice.

IT IS HEREBY ORDERED that:

1. The pending letter request to withdraw as counsel in the above captioned matter, *Morton Neufeld and Mary Neufeld v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, (MDL No. 13-2441 (DWF/BRT), Doc. No. [1594]; Civil No. 14-4797 (DWF/BRT), Doc. No. [8]), is hereby **GRANTED**; and

2. The *Morton Neufeld and Mary Neufeld v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, matter is hereby **DISMISSED** in its entirety **WITHOUT PREJUDICE** and without costs to any party.

Dated: March 9, 2020

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