

**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 MUNDLIN,

Plaintiff,

v. Civil No. 14-4350 (DWF/BRT)

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

Defendants.

**ORDER OF DISMISSAL
WITH 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, Deceased Plaintiff MDL lawsuit advise (or make good faith effort to advise) the Unrevised Plaintiff’s Estate or Legal Representative of the tolling election response obligation and potential dismissal for non-compliance set forth in the Court’s September 19, 2019 Order (MDL No. 13-2441 (DWF/BRT), Doc. No. [1394]). Pursuant to PTO #44, counsel in the

above captioned, *Donald Mundlin 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. [1646]); Civil No. 14-4350 (DWF/BRT), Doc. No. [10]) and also filed a Suggestion of Death indicating that the Unrevised Plaintiff was deceased (MDL No. 13-2441 (DWF/BRT), Doc. No. [1575]; Civil No. 14-4350 (DWF/BRT), Doc. No. [9]). In the notice filing with the Court, counsel advised that he was told by a relative of the decedent that the family did not intend to seek appointment of a personal representative of the decedent's estate, nor did the family intend to pursue the Unrevised Plaintiff decedent's lawsuit. In the notice submission, counsel also renewed a request to be permitted to withdraw as counsel.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. The pending request to withdraw as counsel in the above captioned matter, *Donald Mundlin v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, is hereby **GRANTED**; and

2. The *Donald Mundlin 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 **WITH PREJUDICE** and without costs to any party.

Dated: March 20, 2020

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