

**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:

LOLA DAVIS,

Plaintiff,

v. Civil No. 14-0790 (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, *Lola Davis 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 in February 2020 (MDL No. 13-2441 (DWF/BRT), Doc. No. [1618]; Civil No. 14-0790 (DWF/BRT), Doc. No. [20]) and also filed a Suggestion of Death indicating that the Unrevised Plaintiff was deceased (MDL No. 13-2441 (DWF/BRT); Civil No. 14-0790 (DWF/BRT), Doc. No. [19]). In the notice filing with the Court, counsel advised that Plaintiff had died in August 2014 and was unrevised at the time of her death. Counsel also informed the Court that they had “repeatedly attempted to contact [decedent’s husband] without any success” and he had “not responded to any letters, emails or phone calls.” Finally, in the notice filing, counsel also requested permission to withdraw as counsel.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. The pending request to withdraw as counsel in the above captioned matter, *Lola Davis v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, is hereby **GRANTED**; and
2. The *Lola Davis 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: April 3, 2020

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