

**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:

DAVID SEEMAN,

Plaintiffs,

v. Civil No. 15-2871 (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 management of its docket, on September 12, 2019 the Court entered Pretrial Order No. 42 (“PTO #42”) establishing certain mandatory tolling election response obligations on the part of Unrevised Plaintiffs in this multidistrict litigation. (MDL No. 13-2441 (DWF/BRT), Doc. No. [1394]. Pursuant to PTO #42, the response deadline was October 28, 2019. By way of further Order on January 14, 2020, the Court extended the deadline to January 31, 2020 for those Unrevised Plaintiffs who had failed to respond by the original date, and also noted that failure to respond by the extended date would result in dismissal without prejudice and without further notice of the unresponsive, Unrevised Plaintiff matters. (MDL No. 13-2441 (DWF/BRT), Doc. No. [1566])

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 19, 2019 Order (MDL No. 13-2441 (DWF/BRT), Doc. No. [1394]).

Pursuant to PTO #44, counsel in the above captioned, *David Seeman 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); Civil No. 15-2871 (DWF/BRT), Doc. No. [6]). In the filed notice, counsel explained that they have made multiple attempts through various forms of communication to discuss the current status of the matter with Plaintiff and to advise him of his obligation to comply with PTO #44 regarding the mandatory tolling response for unrevised plaintiffs. Despite these multiple attempts by counsel, Plaintiff has failed to respond. Accordingly, counsel has asked to withdraw their representation of Plaintiff.

**IT IS HEREBY ORDERED** that:

1. The pending motion to withdraw as counsel in the above captioned matter, *David Seeman v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker*

*Corp., Stryker Sales Corporation and Stryker Ireland Limited*, (MDL No. 13-2441 (DWF/BRT); Civil No. 15-2871 (DWF/BRT), Doc. No. [6]), is hereby **GRANTED**; and

2. The *David Seeman 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: April 3, 2020

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