

**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:

GERALD IAN KATZ,

Plaintiff,

v. Civil No. 14-2348 (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, *Gerald Ian Katz 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. [1617, 1627]); Civil No. 14-2348 (DWF/BRT), Doc. No. [9]). In the filed notice, counsel explained that they have contacted Plaintiff multiple times regarding the status of the matter and the mandatory tolling response obligation for unrevised plaintiffs pursuant to PTO# 44. Despite being advised of the deadline for same, Plaintiff has failed to fulfill his tolling response obligation, and has indicated that he no longer wishes to be represented by current counsel and requested return of his file. No other counsel has appeared, nor has Plaintiff entered a *pro se* appearance. Accordingly, counsel has renewed their request to withdraw their representation of Plaintiff.

IT IS HEREBY ORDERED that:

1. The pending motion to withdraw as counsel in the above captioned matter, *Gerald Ian Katz 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. [1617, 1627]; Civil No. 14-2348 (DWF/BRT), Doc. No. [9]), is hereby **GRANTED**; and

2. The *Gerald Ian Katz 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 7, 2020

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