

**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:

DENNIS MARSHALL and PATRICIA
MARSHALL,

Plaintiff,

v. Civil No. 20-1889 (DWF/BRT)

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

Defendants.

**ORDER REGARDING
NOTICE TO PLAINTIFFS**

In management of its docket, on January 20, 2021 the Court entered Pretrial Order No. 48 requiring Lead Counsel to make certain inquiries and report back to the Court regarding the status of enrollment in the settlement on September 9, 2020, including non-responsive litigants and purported opt-out matters. (“PTO#48”) (MDL No. 13-2441 (DWF/BRT), Doc. No. 1919). PTO#48 further established that a plaintiff’s failure to respond to his/her individual case counsel regarding enrollment in the settlement program is not a valid basis to identify the matter as an opt-out.

Pursuant to PTO #48, counsel to plaintiffs in the above captioned *Dennis Marshall and Patricia Marshall v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited* matter has advised that

Plaintiffs have not responded to counsel's communications regarding the Settlement Program.

ACCORDINGLY, IT IS HEREBY ORDERED that:

The following notice is issued to Plaintiffs in the above *Dennis Marshall and Patricia Marshall v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*:

1. Plaintiffs themselves are required to provide the following to the Court within 14 days of this Order (to be communicated through current counsel): A written statement indicating whether Plaintiffs object or consent to the dismissal of their case.
2. If no timely response to this Order is received within 14 days, then current counsel for Plaintiffs will be permitted to withdraw and the *Dennis Marshall and Patricia Marshall v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited* matter will be DISMISSED in its entirety WITHOUT PREJUDICE, without further notice.
3. If Plaintiffs timely file an objection to the dismissal of the matter then Plaintiffs are required to substantively confer with their current counsel regarding the settlement program and counsel shall then immediately report to the Court and lead counsel for the parties as to whether or not Plaintiffs now elect to enroll in the settlement, or, if not, the basis for the rejection of the Settlement Program.

Dated: May 23, 2022

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