

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: STRYKER REJUVENATE AND
ABG II HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/DJF)

This Document Relates to:

Ruth Elizabeth Power,

Plaintiff,

v. Civil No. 14-2314 (DWF/DJF)

Howmedica Osteonics *d/b/a* Stryker
Orthopaedics, Stryker Corp., Stryker Sales
Corporation, and Stryker Ireland Limited,

Defendants.

ORDER

Plaintiff Ruth Elizabeth Power is an Unrevised Plaintiff in a pending case in this multidistrict litigation, which is captioned *Ruth Elizabeth Power v. Howmedica Osteonics Corp. d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation, and Stryker Ireland Limited* (Civil No. 14-2314 (DWF/DJF)). The Court has been informed that Plaintiff Power is now deceased, but had enrolled in the prior Settlement Program as a Covered Unrevised Infirm (CUI) claim and was determined to be ineligible.

The Court previously entered Pretrial Order No. 44 Regarding Pending and Future Requests to Withdraw as Counsel in this MDL ("PTO #44"). (MDL Doc. No. 1567.) Pursuant to PTO #44, after learning of Plaintiff Power's death, her counsel attempted to communicate with the decedent's family to discuss the status of the litigation and either

the discontinuance or pursuit of the case by decedent's estate or legal representative. No response was provided to counsel's inquiry. Accordingly, pursuant to PTO #44, decedent's counsel now wishes to withdraw in this unrevised, CUI ineligible and deceased plaintiff case.

Based upon the foregoing and the record in this case, **IT IS HEREBY ORDERED** that:

1. The following notice is issued to the estate or appointed legal representative of the deceased, unrevised and CUI ineligible Plaintiff in the above captioned matter, *Ruth Elizabeth Power v. Howmedica Osteonics Corp. d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation, and Stryker Ireland Limited* (Civil No. 14-2314 (DWF/DJF)).

2. The estate or appointed legal representative of the deceased, unrevised and CUI ineligible Plaintiff must respond to the Court (to be communicated through current counsel) addressing each of the following inquiries: (i) identify the decedent's legal estate, successor, or personal representative with legal authority to act on behalf of the decedent's estate (including confirming documentation of such legal status), and (ii) given the unrevised and ineligible status of the decedent at the time of death, state whether or not the legal estate, successor, or personal representative with legal authority to act on behalf of the decedent's estate consents to a dismissal of this litigation. If the legal representative rejects dismissal and affirmatively chooses to continue the litigation on behalf of the decedent, then the legal representative must file the following (through current counsel) within 14 days of this Order: (i) a motion to substitute decedent's legal

estate, successor, or personal representative as Plaintiff in the matter (including confirming documentation of such legal status); and (ii) identification of substituting counsel, or, if no counsel, then a statement of the intention of the legal successor or appointed representative to proceed *pro se* with the litigation.

3. If no response to this Order is received by the Court within 14 days, then current counsel will be permitted to withdraw and the above captioned matter, *Ruth Elizabeth Power v. Howmedica Osteonics Corp. d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation, and Stryker Ireland Limited*, will be **DISMISSED WITH PREJUDICE**, and without further notice.

Dated: April 16, 2025

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