

**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:

Jose L. Nuncio,

Plaintiff,

v. Civil No. 14-1763 (DWF/DJF)

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

Defendants.

**ORDER**

Plaintiff Jose L. Nuncio is named as an Unrevised Plaintiff in a pending case in this multidistrict litigation, which is captioned *Jose L. Nuncio v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited* (Civil No. 14-1763 (DWF/DJF)). The Court has been informed that Plaintiff Nuncio previously enrolled in the Settlement Program as a Covered Unrevised Infirm (CUI) claimant and was determined to be ineligible. Counsel for Plaintiff Nuncio has attempted to contact him to determine the course of his legal action, given his unrevised and ineligible status, but he has not responded.

The Court previously entered Pretrial Order No. 44 Regarding Pending and Future Requests to Withdraw as Counsel in this MDL (“PTO#44”) (MDL No. 13-2441 (DWF/DJF), (Doc. No. 1567)). Pursuant to PTO #44, and in light of the current status of the case and counsel’s inability to communicate with Plaintiff Nuncio, his counsel now wishes to withdraw in this unrevised and CUI ineligible case.

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

1. The following notice is issued to the unrevised and CUI ineligible Plaintiff in the above captioned, *Jose L. Nuncio v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited* matter (MDL No. 13-2441 (DWF/DJF); Civil No. 14-1763 (DWF/DJF)).

2. Plaintiff Nuncio is 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 or not Plaintiff consents to a voluntary dismissal of his case. If Plaintiff does not consent to a voluntary dismissal, and, instead, wishes to continue the case then Plaintiff must file the following (through current counsel) within 14 days of this Order: A statement *in writing* indicating whether or not he opposes or supports the request by his current counsel to withdraw from this action. If Plaintiff supports the withdrawal of counsel, then identification of substituting counsel who must then immediately file a notice of appearance with the court, or, if no new counsel is retained, then a statement of the intention of the Plaintiff to proceed *pro se* with the litigation and a notice of appearance as a *pro se* plaintiff.

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 captioned *Jose L. Nuncio v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, matter will be dismissed with prejudice, and without further notice.

Dated: May 13, 2025

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