FILED

MAY 19 2016

BRIAN R. MARTINOTTI, J.S.C.

IN RE Stryker Rejuvenate & ABG II	**SUPERIOR COURT OF NEW JERSEY**
Modular Hip Implant LITIGATION	**LAW DIVISION: BERGEN COUNTY**
	CASE NO. 296
	MASTER DOCKET NO. BER-L-936-13
	CIVIL ACTION
	ORDER REGARDING SUPPLEMENTAL REGISTRATION OF CASES AND CLAIMS

This Matter having been assigned to the Honorable Brian R. Martinotti, J.S.C. pursuant to the Supreme Court's Order of January 24, 2013, designating this matter for Multicounty Litigation Status ("MCL") of Stryker Rejuvenate & ABG II Modular Hip Implant Litigation (hereinafter referred to as "Stryker") [a Multidistrict Litigation ("MDL") pending before the Honorable Donovan W. Frank, USDJ], and in furtherance of the Court's interest in updating and managing its docket, the following order is hereby entered:

IT IS on this 19 day of May 2016,

ORDERED

1. As a resource for this Court, the cooperating Multidistrict Litigation (MDL Docket No. 13-2441), and any other cooperating courts to manage this litigation, it is necessary to continue to identify and update all remaining, unresolved filed and unfiled claims relating to the ABGII Modular Neck Hip Stem or the Rejuvenate Modular Neck Hip Stem ("Affected Products") (such claims, the "Affected Product-related claims").

OBLIGATIONS OF COUNSEL

2. **NEW CASES OR CLAIMS (Not Previously Registered And Unresolved):** Counsel for any Affected Product-related case pending in this Court and/or counsel who have any clients who have claims, filed or unfiled, connected with the Affected Products, *which were*

not previously registered and which remain UNRESOLVED, shall (i) identify all clients with filed and unfiled Affected Product-related claims, whether or not involving a revision surgery, and (ii) provide the information for each such client as set forth on the Registration Declaration and Registration List, including identifying all Interested Counsel in each filed case or unfiled claim and (iii) designate the Primary Law Firm and contacts as described below. The Registration Declaration for represented and unrepresented claimants and the form of Registration Lists will be made available through the Registration Processor, The Garden City Group, Inc.

3. **PREVIOUSLY REGISTERED CASES OR CLAIMS (Which Remain Unresolved)**: Counsel for any Affected Product-related case pending in this Court (*which are UNRESOLVED*) and/or counsel who have any clients who have claims, filed or unfiled *(which remain UNRESOLVED)*, connected with the Affected Products ***who have previously registered a case or claim with Garden City Group pursuant to this Court's November 13, 2014 Order*** **must** update each such claimant's registration information, including revision status, to the extent such information has changed since initial registration. **(NOTE: This obligation does not apply to cases or claims that have been resolved through the Settlement Program (i.e. the enrolled patient has accepted his/her Base Award or Covered Unrevised, Infirm Patient Award) unless the patient has claims as to a bilateral affected hip that was not resolved through the Settlement Program.)**

4. **Specific Obligations of Counsel**:

   a. Designation of Principal Responsible Attorney: The registration of each filed, unresolved case pursuant to this Order must designate the Principal Responsible Attorney and legal assistant for that case. The Principal Responsible Attorney so

designated shall be jointly identified by the Primary Law Firm and Interested Counsel by name, state bar number, business address, and email address.

b. Designation of Primary Law Firm: For each filed, unresolved case pending in either state or federal court, there must be a single designation of a Primary Law Firm. The Primary Law Firm must also identify each and every client for whom they are the Primary Law Firm by serving a list of all filed, unresolved Affected Product-related claims - whether revised or unrevised - in which such law firm, or any attorney at such law firm, is the Primary Law Firm as of the date of this Order.

c. **Counsel's Obligations in Connection With Product Identification**: ***Prior to registration***, the Primary Law Firm shall ***verify*** that their individual clients were in fact **implanted with an ABG II Modular Neck Hip Stem or a Rejuvenate Modular Neck Hip Stem**. For all registered matters, in the event that a subsequent review of the registered client's medical records establish that s/he was in fact ***not*** implanted with an Affected Product, the Primary Law Firm ***must***, within fourteen (14) days of such verification, notify counsel for HOC and ***either*** provide a stipulation of dismissal for defense counsel's signature ***or*** move the Court to remove the case from the consolidated litigation so the non-Affected Product matter may proceed as a separate, individual litigation. Counsel responsible for registration of claims or cases involving products other than the Affected Products are subject to further Court action, if appropriate.

d. Completion and Service of Registration List: The Primary Law Firm representing clients with claims involving the Affected Products must prepare a Registration Declaration and Registration List, identifying all such clients as set out

below in 4(e) and 4(f). To obtain a copy of the Registration Declaration and Registration List, go to the Registration Processor's website that was set up as part of the Global Settlement Program, www.StrykerModularHipSettlement.com, click on the "Registration" tab and follow the instructions. Beginning **May 20, 2016**, the completed Registration Declaration and Registration List shall be submitted to the Registration Processor (as formatted for the accurate and efficient transfer of the required information) no later than **June 30, 2016**. To submit these materials, go to www.StrykerModularHipSettlement.com, click the "Registration Button" and follow the upload instructions.

e. Information to be Provided Regarding Each *Filed Unresolved* Case: For *each* filed (unresolved) case, the Primary Law Firm shall identify on the Registration List all cases that are filed in these proceedings or in any other federal or state court or tribunal in the United States in which they serve as the Primary Law Firm as of the date of this Order, and provide the case and claim related information as set forth on the form Registration List.

f. Information to be Provided Regarding Each *Unfiled, Unresolved* Claim: The Primary Law Firm shall identify on the Registration List each and all unfiled and unresolved claims relating to the Affected Products, whether or not involving a revision surgery, in which counsel has any interest, and shall include certain basic information about each claim as set forth on the required form.

g. Updates Regarding Change in Status of Each Registered, Unresolved Matter: The Primary Law Firm shall serve within thirty (30) days of any change in status of any Plaintiff or Unfiled Claimant identified on their Registration List, an updated

Report regarding such change. The updated Report shall be in the form set by the Registration Processor and shall include changes in status to both unrevised plaintiffs and Unfiled Claimants and plaintiffs and Unfiled Claimants with subsequent additional revision surgeries.

h. Changes in Information Regarding Attorney or Represented Status Information: The Primary Law Firm shall serve written notice of any changes to the information provided on the Registration List, including but not limited to the acquisition or loss of Primary Law Firm status for the case, any change in information for the Primary Law Firm, the Principal Responsible Attorney, or administrative contact for the case, any change in designation of Primary Law Firm status for any case previously listed as "No Primary Law Firm Designated," and any other change of any information verified under oath. If the change is a loss of Primary Law Firm status or loss of an Interest in the case, the notice shall also identify the name of the attorney and/or law firm, telephone number, email, business address of the new representative for the Plaintiff or Unfiled Claimant or, if none, an affirmation of the Plaintiff or Unfiled Claimant's *pro se* status and the telephone number, email and address for the Plaintiff or Unfiled Claimant. Such written notice must specify the changed circumstances and be served within fourteen (14) days of such change upon the Registration Processor.

i. The Primary Law Firm shall declare on the Registration Declaration *under oath* that (i) all filed (unresolved) cases and unfiled (unresolved) claims in which they are the Primary Law Firm are identified on the Registration List, (ii) all Interested Counsel are identified, and (iii) that the claim-related information is accurate and

complete, including the information stating that the matter relates to one of more of the Affected Products.[1]

j. Due Date for Service of Registration List: Registration will open on **May 20, 2016.** The Registration Declaration and Registration List shall be served on the Registration Processor as specified above no **later than June 30, 2016.**

OBLIGATIONS OF PRO SE PLAINTIFFS AND UNREPRESENTED CLAIMANTS

5. **NEW *PRO SE* CASES OR UNREPRESENTED CLAIMS (Not Previously Registered And Unresolved):** All persons who represent themselves *pro se* in *UNRESOLVED* lawsuits relating to the Affected Products pending in this Court *and* all Unrepresented Claimants with unfiled, unresolved claims relating to the Affected Products (collectively "*Pro Se* Plaintiffs and Claimants"), *which were not previously registered and which remain UNRESOLVED*, shall complete the Registration Declaration. The Declaration is available by going to the Registration Processor's website, www.StrykerModularHipSettlement.com, clicking on the "Registration" tab and following the instructions. Starting **May 20, 2016**, the completed Registration Declaration shall be submitted to the Registration Processor (as formatted for the accurate and efficient transfer of the required information) no later than **June 30, 2016**. To submit these materials, go to www.StrykerModularHipSettlement.com, click the "Registration" tab and follow the upload instructions. If the *Pro Se* Plaintiff or Claimant is not able to submit the forms electronically, s/he shall send the Registration Declaration via U.S. mail postmarked no later than **June 30, 2016**: Stryker Registration Update, c/o GCG, PO Box 10130, Dublin, OH 43017-3130.

[1] For purposes of registration, an electronic signature denoted by "s/" is considered as binding as an original signature pursuant to FRCP 5(d)(3).

6. **PREVIOUSLY REGISTERED *PRO SE* CASES OR UNREPRESENTED CLAIMS (Which Remain Unresolved)**: All persons *Pro Se* Plaintiffs and Claimants *who have previously registered a case or claim with Garden City Group* pursuant to this Court's November 13, 2014 Order *and whose cases or claims remain UNRESOLVED*, **must** update his/her registration information, including revision status, to the extent such information has changed since initial registration no later than **June 30, 2016. (Note: This obligation does not apply to cases or claims that have been resolved through the Settlement Program (i.e. the enrolled patient has accepted his/her Base Award or Covered Unrevised, Infirm Patient Award) unless the patient has claims as to a bilateral affected hip that was not resolved through the Settlement Program.)**

7. **Changes in Information Regarding *Pro Se* Plaintiffs and Unrepresented Claimants**: All *Pro Se* Plaintiffs and Claimants shall serve written notice of any changes to the information provided on the Registration List, including but not limited to any change regarding contact information or the subsequent retention of counsel. If the change of information is the retention of counsel, the *Pro Se* Plaintiff or Claimant shall provide the attorney name, address, telephone number and email address for counsel. Such written notice must specify the changed circumstances and be served within fourteen (14) days of such change upon the Registration Processor.

GENERAL PROVISIONS

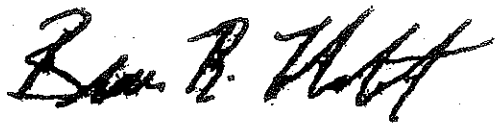
8. Registration Period: The registration and updated registration process shall open on **May 20, 2016** and shall close on **June 30, 2016**, unless otherwise Ordered.

9. **Enforcement**: All Counsel and *Pro Se* Plaintiffs and Unrepresented Claimants are required to comply with this Order. Failure to meet the requirements of this Order will

subject non-compliant parties and counsel to a show cause hearing as to the reason for such failure and may subject such party or counsel to penalties at the Court's discretion. ***The Court specifically draws attention to the verification and certification of implantation of Affected Product(s) obligation as set forth in paragraph 4(c), and notes that a penalty may be assessed if that obligation is ignored.***

10. **Database**: The Registration Processor shall maintain a database of all registered cases and claims identified pursuant to this Order.

11. **Cooperation with Other Jurisdictions**: This Order is entered in conjunction with coordinated proceedings pending in the MDL (MDL Docket No. 13-2441). It is the intention of this Court to work in cooperation with the MDL Court and any other participating courts in a manner that promotes judicial economy and that secures as complete a registration of all claims and potential claims as possible, for use amongst the cooperating courts and their leadership counsel. It is also the intention of this Court to work in cooperation with any other state court or tribunal in which claims relating to the Affected Products are pending. If there is any dispute concerning the implementation of this Order, this Court will coordinate conferral among the Courts for resolution of the issue, consistent with the law of the various jurisdictions.



BRIAN R. MARTINOTTI, J.S.C.