FILED

OCT 23 2013

BRIAN R. MARTINOTTI
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 296
MASTER DOCKET NO.:BER-L-936-13

CIVIL ACTION

IMPLEMENTING ORDER FOR DEFENDANT FACT SHEET

IN RE STRYKER REJUVENATE HIP STEM AND ABG II MODULAR HIP STEM LITIGATION

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 Hip Stem and ABG II Modular Hip Stem Litigation, and the Court having determined, with the consent of counsel, that a Defendant Fact Sheet shall be utilized as an efficient approach to discovery in this MCL,

IT IS on this 23 day of October 2013,

ORDERED

1. This Order applies only to the Stryker Rejuvenate Modular Hip Stem and ABG II Modular Hip Stem actions centralized for coordinated management in the Bergen County Vicinage and all those hereinafter filed or transferred to the Bergen County Vicinage pursuant to the Supreme Court Order dated January 24, 2013.

2. The parties have agreed to the form of Defendant Fact Sheet, as attached hereto, subject to the remaining dispute set forth in Paragraph 3 hereof.

3. The parties disagree as to the proper scope of Section C(1) of the Defendant Fact Sheet relating to Product Experience Report ("PER") documents. Accordingly, the parties have agreed to continue to meet and confer upon the completion of Phase I Mediation to determine if resolution of the Section C(1) issue is possible or if submission of the issue to the Court is necessary.

4. The parties have agreed that certain additional PER-related documents for the ten (10) cases chosen for participation in Phase I Mediation will be produced within thirty (30) days.

5. The parties will meet and confer to determine an appropriate schedule regarding the rolling production of Defendant Fact Sheets and will report back to the Court by November 4, 2013.

Hon. Brian R. Martinotti, J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE STRYKER REJUVENATE HIP STEM AND ABG II MODULAR HIP STEM LITIGATION

MASTER DOCKET NO. BER-L-936-13
CASE CODE 296

CIVIL ACTION

DEFENDANT'S FACT SHEET
(PHASE I)

Plaintiff(s): _____

Individual Docket No.: _____

Defendant Howmedica Osteonics Corp. ("HOC" or "Defendant") hereby submits the following Phase I Defendant's Fact Sheet responses and related Documents for the above-referenced case.

INSTRUCTIONS

Please provide the following information for the plaintiff referenced above (or plaintiff's decedent) (hereinafter "Plaintiff") who was implanted with an ABGII Modular Hip Implant(s) and/or a Rejuvenate Modular Hip Implant(s) (hereinafter "Device") that is the subject of Plaintiff's complaint in the above-referenced action. In filling out any section or sub-section of this form, please submit additional sheets as necessary to provide complete information.

In filling out this form, please respond on the basis of information and/or documents that are reasonably available to the Defendant and use the following definitions:

DEVICE: The Rejuvenate Modular Hip Implant(s) and/or ABG II Modular Hip Implant(s) that is the subject of Plaintiff's complaint in the above-referenced action.

DOCUMENTS: "Documents" as used in this request is coextensive with the meaning of the terms "documents," "electronically stored information" and "tangible things" as used in the New Jersey Rules of Civil Procedure, and shall have the broadest possible meaning and interpretation ascribed to those terms.

HEALTH CARE PROVIDERS: "Health Care Providers" shall refer to all persons identified in the Plaintiff's Fact Sheet ("PFS") who surgically implanted and/or removed the Device(s) identified in the PFS.

A. DEVICE INFORMATION

1. For each Device identified by Plaintiff in his/her PFS provide the Device History Record, which includes the date of manufacture, the place of manufacture, the date when the manufacturing process began and the date on which the product was released to finished goods.

2. For each Device identified by Plaintiff in his/her PFS provide the Sales Invoice, if available.

3. If Plaintiff has indicated in the PFS Section II(B)(7) that he/she is unaware of the location of the Device which was removed from Plaintiff during revision, identify if Defendant has possession of the Device removed from Plaintiff.

   Yes _____ No _____

   If Yes, please identify and produce:

   i. The date Defendant obtained possession or control of the device.

   _____
   _____
   _____

   ii. The current location of the device.

   _____
   _____
   _____

   If No, but Defendant has knowledge of the location of the device, identify:

   _____
   _____
   _____

4. (a) Is Defendant in possession of any photographs (including SEM) of the Device removed from Plaintiff? Yes ___ No ___

   (b) If yes, provide any readily available identifying information including the dates of the photographs, where the photographs were taken and who took the photographs.

   _____
   _____

B. MARKETING/SALES REPRESENTATIVE INFORMATION

1. Provide the name, employer and business address of the Device sales representative(s) (whether Defendant employee, agent of Defendant or third party) for the Health Care Provider at the time Plaintiff's Device was implanted.

2. Provide the name and business address of the immediate supervisor or sales manager for the above named sales representative(s) at the time Plaintiff's Device was implanted.

C. ADVERSE EVENT REPORTS

1. Produce a copy of the Product Experience Report (PER) Summary that relates to this Plaintiff. (*Subject to Plaintiff providing a signed Authorization for the Release of Adverse Event Reports*)

2. Produce a copy of the Medical Device Adverse Event Report (MDR) that relates to this Plaintiff. (*Subject to Plaintiff providing a signed Authorization for the Release of Adverse Event Reports*)

D. BROADSPIRE/HOC CLAIM INFORMATION

1. If Plaintiff has indicated in the PFS Section VII(9)(d) that he/she has initiated a claim with Broadspire and is interested in receiving (at Plaintiff's expense) copies of records obtained pursuant to any authorization provided to Broadspire by Plaintiff, then provide the file number and date the file/claim was opened, and produce any such documents, including but not limited to medical records, employment records and/or insurance documents that were obtained from Plaintiff or by issuance of an executed authorization received from Plaintiff. Also produce a copy of any other discoverable documents in Plaintiff's Broadspire file, including any statements, emails, correspondence, Releases or notes reflecting any statements or communications by or with Plaintiff or anyone on Plaintiff's behalf.

2. If Defendant maintains a file on Plaintiff not addressed by PER or Broadspire claim and not the subject of a recognized privilege, then produce any discoverable documents in that file, including any documents that were obtained from Plaintiff or by issuance of an executed authorization received from Plaintiff, including but not limited to medical records, employment records, insurance information, statements, e-mails, correspondence, notes, Release(s).

VERIFICATION

I am employed by Howmedica Osteonics Corp., the Defendant in this action. I am authorized by Defendant to make this verification on the corporation's behalf. The foregoing answers were prepared with the assistance of a number of individuals, including counsel for Defendant, upon whose advice and information I relied. I declare under penalty of perjury that all of the information as to the foregoing Defendant provided in this Defendant's Fact Sheet is true and correct to the best of my knowledge upon information and belief.

Date: _____ _____

Signature

Name: _____

Employer: _____

Title: _____