

FILED

JUN 26 2017

**RACHELLE L. HARZ
J.S.C.**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY**

**CASE NO. 624
MASTER DOCKET
NO.: BER-L-____-____**

**IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION**

**CIVIL ACTION
CASE MANAGEMENT ORDER #1**

All prior orders remain in full force
and effect except as modified by this
Order

This Matter having been assigned to the Honorable Rachelle L. Harz, J.S.C., pursuant to the Supreme Court's Order of May 16, 2017, designating this matter for Multicounty Litigation Status ("MCL") as Stryker LFIT CoCR V40 Femoral Heads Implant Litigation (hereinafter referred to as "Stryker LFIT") [*of note is the fact that the Federal Joint Panel on Multidistrict Litigation has assigned the MDL involving the same type of implants as this matter to Judge Indira Talwani in the District of Massachusetts*], and the Court having prepared the proposed agenda, and conducted an initial case management conference on June 21, 2017, counsel having appeared, and for good cause shown and the reasons set forth on the record,

IT IS on this 26th day of June 2017,

ORDERED,

I. ORGANIZATION OF COUNSEL

1. The Court having reviewed the Applications for Lead/liaison Counsel Appointments submitted to date pursuant to the prior June 2, 2017 Amended Initial Order

for Case Management, and a consensus having been noted, the following appointments are hereby made:

Plaintiffs' Liaison/Lead Counsel: Ellen Relkin, Weitz & Luxenberg, P.C. (NJ).

Plaintiffs' Executive Committee: Ellen Relkin, Weitz & Luxenberg, P.C. (NJ); Thomas Anapol, Anapol Weiss (PA); C. Calvin Warriner, Searcy Denney, et al. (FL); and Michael McGlamry of Pope McGlamry (GA).

Defense Liaison/Lead Counsel: Kim Catullo, Gibbons, P.C. (NJ)

Defense Executive Committee: Kim Catullo, Gibbons, P.C. (NJ); Gene Williams, Shook Hardy & Bacon, LLP (TX); and Heidi Hubbard, Williams & Connolly, LLP (DC).

2. The Court notes that should other Plaintiffs' counsel wish to seek a leadership position of some type in this litigation then they may contact Plaintiffs' Leadership as referenced above, or the Court. Also should the Court or counsel deem it appropriate to consider additional leadership committees then either counsel or the Court *sua sponte* may raise same.

II. COORDINATION WITH THE MULTIDISTRICT LITIGATION

1. The Court expects that counsel for the parties shall coordinate the MCL and MDL litigation activities. Additionally, the Court intends to coordinate the NJ-MCL litigation with Judge Talwani in the MDL.

III. CASE QUESTIONNAIRES

1. The Case Questionnaire referenced in the Court's prior June 2, 2017 Amended Initial Order for Case Management is hereby amended to update the case

caption to reflect the MCL Caption (*see attached, which shall be posted on the Court's official website also*).

2. The deadline for submission of updated or new Case Questionnaires remains in effect as set forth in the June 2, 2017 Order – sixty (60) days from June 2, 2017 (*August 1, 2017*), or sixty (60) days from the filing of a responsive pleading for complaints filed subsequent to the June 2, 2017, whichever is later. Counsel are expected to comply with same.

3. The completed Case Questionnaire and attached documentation shall be sent to Lead/Liaison Counsel for the Parties as follows:

Plaintiffs' Liaison/Lead Counsel: Ellen Reikin
Weitz & Luxenberg, P.C.
220 Lake Drive East, Suite 210
Cherry Hill, NJ 08002
Ph: 856-755-1115
Fax: 856-755-1995
Email: erelkin@weitzlux.com

Defense Liaison/Lead Counsel: Kim Catullo
Gibbons P.C.
One Gateway Center
Newark, NJ 07102
Ph: 973-596-4815
Fax: 973-639-6280
Email: kcatullo@gibbonslaw.com

4. For those matters in which Case Questionnaires have previously been served on defense counsel pursuant to Judge Martinotti's January 7, 2016 Order, defense counsel shall provide copies to Plaintiffs' Liaison counsel prior to the next case management conference.

IV. CASE MANAGEMENT

1. The Court shall conduct a case management conference on July 31, 2017 at 2PM and thereafter monthly beginning in September 2017, unless otherwise ordered, Liaison/lead counsel and the Executive Committee members shall be present for each conference one hour before the scheduled time.

2. With the exception of Liaison/lead counsel for the parties, counsel is permitted to appear telephonically for purposes of the case management conference. Lead/liaison counsel will circulate a call in number to all counsel the day prior to the conference. In order to have an appearance noted on the record, it is counsel's responsibility to email the respective Liaison/lead counsel and the court reporter at least one hour before the proceeding with your name, firm, and the represented party(ies) and case docket number(s), indicating that you intend to appear by telephone. In addition, counsel must confirm your appearance with the respective Liaison/lead counsel immediately following the proceeding to confirm that you, in fact, did participate telephonically. Absent your compliance with all of the above, your appearance will not be noted in the record.

3. For purposes of the June 21, 2017 case management conference, the Court set the proposed agenda. However, for future case management conferences, the parties shall confer and provide a proposed agenda seven (7) days in advance of the scheduled conference so as to allow the Court ample time to prepare a draft Case Management Order, which will be finalized at the completion of the scheduled conference.

V. PROTECTIVE ORDER

1. Defendant liaison counsel shall provide a draft Protective Order to Plaintiffs' liaison counsel for use in the Stryker LFIT CoCR V40 Femoral Heads Implant Litigation by June 29, 2017. Counsel shall thereafter confer regarding same, and advise the Court of the status of the proposed Order in advance of the next scheduled case management conference.

2. For purposes of coordination, the Court expects that the parties will confer in good faith in an attempt to agree upon a Protective Order that is common to both the MCL and the MDL.

VI. DISCOVERY

1. Plaintiffs have indicated an intention to serve general written discovery requests on Defendant. Plaintiffs' Liaison/lead counsel shall send a copy of such requests to the Court with a copy to Defendants' Liaison/lead counsel and refrain from formal service of same until further direction from the Court.

2. The parties shall confer in good faith regarding the development of long/short form pleadings and Plaintiff and Defense Fact Sheets.

3. The preservation obligations previously set forth in the Court's prior June 2, 2017 Amended Initial Order for Case Management remain in effect and shall continue to remain in effect hereafter unless otherwise ordered. The parties were reminded of their continuing preservation obligations, including the obligation to secure and retain explanted LFIT V40 CoCr devices (and accompanying explanted components) in either parties' possession or control. Plaintiffs have also specifically raised a request for exemplars of the recalled product lots, and Defendant has stated their acknowledgement

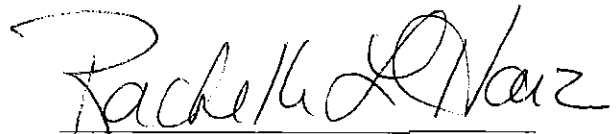
of the preservation obligation to the extent recalled products exist. Plaintiffs also raised a request for representative exemplars of non-recalled products in the litigation. The Court has asked Defendant to provide an update regarding same at the next case management conference. Also, the parties are to continue to meet and confer regarding preservation of evidence, including but not limited to the preservation of exemplars, explanted devices, pathology, medical records and other discovery materials.

VII. MISCELLANEOUS

1. Defendant has proposed the concept of the parties conducting a “Product Day” for the Court’s benefit early in the litigation. Plaintiffs have opposed it at this juncture. The Court will take this proposal under advisement and confer with the MDL Court in this regard.

2. The Court will provide Liaison/lead counsel with a list of the current cases included in this MCL at this time, and counsel shall review same and confer regarding the accuracy and completeness of the list in advance of the next case management conference.

3. A copy of this Order and any subsequent Orders of the Court will be posted on the official Judiciary Web Site.



Hon. Rachelle L. Harz, J.S.C.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

CASE NO. 624

MASTER DOCKET NO. _____

CASE QUESTIONNAIRE

Instructions: Please provide thorough and complete responses to the questionnaire. When providing names and addresses, provide the full name and full address, including street number, street name, city, state and zip code. **It is critical that all requested documents are attached.** The completed Case Questionnaire shall be served on both Liaison/lead Counsel for the Defendant and Plaintiffs.

GENERAL CASE INFORMATION	
SECTION I	
Plaintiff's Attorney & Contact Information:	
Plaintiff's Name(s):	
Plaintiff's Address:	
Plaintiff's Date of Birth:	
IMPLANT SURGERY INFORMATION	
SECTION II	
Identify Side of Body Where Product at Issue Implanted:	Right <input type="checkbox"/> Left <input type="checkbox"/> Both <input type="checkbox"/> (check one) (Fill out the information below for each implant surgery. Add additional sheets as needed.)
Right Side Implantation Surgery	
Identify All Products Implanted:	
Serial Code/Catalog No./Lot No. of Implanted Products:	
Date of Implant:	
Name and Address of Implanting Surgeon:	
Name and Address of Hospital or Clinic Where Implant Surgery Performed:	
Left Side Implantation Surgery	
Identify All Products Implanted:	

Serial Code/Catalog No./Lot No. of Implanted Products:	
Date of Implant:	
Name and Address of Implanting Surgeon:	
Name and Address of Hospital or Clinic Where Implant Surgery Performed:	

REVISION SURGERY INFORMATION

SECTION III

Have You Had a Revision Surgery?:	Yes <input type="checkbox"/> No <input type="checkbox"/> (If Yes, fill out information below)
Side of Body:	Right <input type="checkbox"/> Left <input type="checkbox"/> Both <input type="checkbox"/> (check one) (Fill out the information below for each revision surgery. Add additional sheets as needed.)

Right Side Revision Surgery

Date of Revision:	
Identify the pre-op and post-op diagnoses:	
Name and Address of Revision Surgeon:	
Name and Address of Hospital or Clinic Where Revision Performed:	
Manufacturers and Sizes of Replacement Device(s):	
Are You in Possession of the Explant(s) or Do You Know of the Present Location?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Location of Explant(s):	

Left Side Revision Surgery

Date of Revision:	
Identify the pre-op and post-op diagnoses:	
Name and Address of Revision Surgeon:	
Name and Address of Hospital or Clinic Where Revision Performed:	
Manufacturers and Sizes of Replacement Device(s):	

Are You in Possession of the Explant(s) or Do You Know of the Present Location?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Location of Explant(s):	

ADDITIONAL MEDICAL INFORMATION

SECTION IV

Imaging Study(ies) Conducted? (e.g. MRI, CT, Ultrasound, etc.)	Yes <input type="checkbox"/>	If yes, identify where conducted:	
	No <input type="checkbox"/>	If yes, list which reports are available:	
Blood Testing Conducted?	Yes <input type="checkbox"/>	If yes, identify where conducted:	
	No <input type="checkbox"/>	If yes, list which reports are available:	
Pathology Studies Conducted?	Yes <input type="checkbox"/>	If yes, identify where conducted:	
	No <input type="checkbox"/>	If yes, list which reports are available:	

DOCUMENTS TO BE ATTACHED

SECTION V

1. Attach records establishing the product identification and pages with manufacturer/product stickers for every product implanted;
2. Attach the implant operative report(s);
3. Attach the revision operative report(s);
4. Attach reports of imaging studies; and
5. Attach pathology and metal ion level reports.