

FILED

DEC 20 2021
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
RACHELLE L. HARZ
J.S.C.

CASE NO. 624
MASTER DOCKET NO. BER-L-7859-17

CIVIL ACTION

CASE MANAGEMENT ORDER NO. 14

ORDER AIDING
PRIVATE SETTLEMENT

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

This Document Relates to ALL ACTIONS

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

Pursuant to the New Jersey Supreme Court's Order of May 16, 2017, MCL No. 624 (Master Docket Number BER-L-7895-17) was assigned to this Court for centralized case management.

On December 16, 2021, the Court was informed by Defendant Howmedica Osteonics Corp. ("HOC"), together with members of the Plaintiffs' Executive Committee appointed by this Court, and members of the Plaintiffs' Executive Committee appointed by the Hon. Indira Talwani in *In re: Stryker LFIT V40 Femoral Head Products Liability Litigation*, MDL No. 2768, MDL 1:17-md-2768-IT (the "MDL") (such committees collectively referred to as the "Plaintiffs' Settlement Committee" or "PSC"; HOC and the PSC collectively referred to as "the Parties") that the Parties have entered into a settlement agreement reflecting a confidential private settlement of the majority of the LFIT V40 cases pending before this Court, as well as in the MDL. The cases that are included in this settlement were identified by Defendant HOC following a careful and individualized review of each case on the pending docket. The majority of the cases in the settlement involve a revision surgery following an LFIT Cobalt Chromium head disassociation.

The Court, pursuant to its inherent authority and cognizant of the important public policy of encouraging settlement among litigating parties, hereby issues the following Order:

IT IS on this 20th day of December 2021, **ORDERED**:

I. SETTLEMENT AND LITIGATION MATTERS

1. Settlement Oversight Committee (the "SOC"): The SOC shall represent the PSC and plaintiffs' counsel in connection with the settlement and shall be the primary point of contact between individual plaintiffs' counsel, HOC, this Court, the MDL Court, any other state court, and other necessary parties. The SOC, through its Settlement Administrator, will provide preliminary notices to eligible claimants with details of the settlement within seven (7) days of this Order.

The SOC shall be comprised of the following members of the PSC who were involved in the negotiations of the settlement:

- a. Peter J. Flowers, Meyers & Flowers, LLC;
- b. C. Calvin Warriner, III, Searcy Denney Scarola Barnhart & Shipley;
- c. Walter Kelley, Bernheim Dolinsky Kelley LLC;
- d. Ashleigh Raso, Meshbesh & Spence, LTD and
- e. Ellen Relkin, Weitz & Luxenberg P.C.

2. SOC Points of Contact: All interested parties are directed to the following members of the SOC for any inquiries regarding the settlement: Peter J. Flowers, Meyers & Flowers, LLC; C. Calvin Warriner, III, Searcy Denney Scarola Barnhart & Shipley; Ashleigh Raso, Meshbesh & Spence, LTD; and Ellen Relkin, Weitz & Luxenberg P.C.

3. HOC Settlement Contact: To the extent necessary, HOC counsel for purposes of settlement-related issues is: Kim M. Catullo, Gibbons P.C.

4. The Settlement Administrator: At the request of the SOC and with the consent of HOC, the Court hereby identifies Archer Systems, LLC as the Settlement Administrator to perform the duties consented to by the Parties.

5. The Third-Party Neutral: At the request of the SOC and with the consent of HOC, the Court hereby identifies Hon. Diane M. Welsh (Ret.) as the Third-Party Neutral to perform the duties consented to by the Parties.

6. Review of Orders and Findings: The private settlement is intended by the Parties to be self-executing pursuant to the consent of the Parties and the participating claimants and their counsel, and is not subject to judicial review.

7. Discovery: Absent any different Order from the Court, to allow the Parties time to effectuate the settlement, until June 6, 2022, the discovery activities in this litigation shall be limited to the activities set forth in the Orders entered concurrent with this Order Aiding Private Settlement and prior applicable orders, including but not limited to CMO Nos. 7, 10, 12, and 13. In the event HOC exercises its settlement walk away rights, then the limitation on the scope of discovery shall be lifted immediately, or as otherwise ordered or agreed.

8. Status Reports to the Court: Commencing on January 31, 2022, the Parties shall provide monthly status reports to the Court regarding the general status of the settlement, compliance with the Court's related orders, or on any other matter the Court deems necessary and appropriate.

In addition to posting of this Order, Plaintiffs' Lead Counsel shall promptly notify all plaintiffs' counsel of record in this MCL of this Order.



RACHELLE L. HARZ, J.S.C.