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December 30, 2008

VIA FEDERAL EXPRESS

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Administrative Office of the Courts
of the State of New Jersey
Richard J. Hughes Justice Complex
25 W. Market Street
Trenton, New Jersey 08625

Re: Request for Mass Tort Designation of Cases Involving the Trident Stryker Hip Implants

Dear Judge Grant:

This letter is submitted on behalf of thirty-two plaintiffs involving nineteen of the twenty-two cases currently filed in New Jersey involving the Trident hip implant manufactured by defendant Howmedica Osteonics Corporation, a New Jersey corporation, d/b/a Stryker Orthopaedics, hereinafter, Stryker. Plaintiffs seek a mass tort designation of this litigation in accordance with Rule 4:38A - Centralized Management of Mass Torts and the Mass Tort Guidelines and Criteria for Designation (Directive #10-7).

Background

Stryker is one of the world's largest producers of orthopedic implants and other medical devices. Certain of its products are hip implants, known as the "Trident," with components made of ceramic material as opposed to more conventional materials. Over the past few years, the company has received many complaints from patients and orthopedists regarding fractures and bone chipping; uneven wear; pain and loss of function; loud squeaking or clicking noises and difficulty in walking. Additional corrective surgeries (revision surgeries) for patients have transpired as a result and other patients need but can not afford the costly revision surgery.

Stryker had been warned by the Food & Drug Administration (FDA) about serious problems with hip implant components, many manufactured at its Plant in Carrigtohill, Ireland. Following an inspection there, the FDA determined that certain of the implants were "adulterated...in that the methods used in, or the facilities or controls used for their manufacture, packing, storage or installation are not in conformity with the Current Good Manufacturing Practice requirements" of federal regulations. *See* Ex. A. In that FDA warning letter the agency also chastised the company for failing to properly identify and correct recurring problems with some of its hip implants. In response to FDA's warning letter, on January 22, 2008, Stryker announced that it was recalling two hip implant components made under the company's Trident line. The Stryker recall involved the Trident Acetabular PSL Cup and the Trident Hemispherical Cups. The Trident hip recall was implemented amidst concerns that the components could be contaminated with "manufacturing residuals" at levels that exceed company standards. See Ex. B, FDA Notices of Recall. [1]

The recall implicated thousands of hip implants. In response to this recall, at least twenty-two cases alleging personal injury and other damages as a result of defective hip implants have been filed in New Jersey state courts, and plaintiffs anticipate that many more cases will be filed in New Jersey in the coming weeks to months. Indeed, my firm has more than seventy additional cases we are reviewing and contemplate filing in New Jersey. Twenty cases have been filed in Atlantic County. One of the cases filed in Atlantic County, *Trafficante v. Stryker,* was filed by the Philadelphia law firm Levin, Fishbein who has communicated to me that they also favor a mass tort designation in Atlantic County. Two cases have been filed in Bergen County. See Ex. C, print-out from the Superior Court of New Jersey Law Division "Discovery End Date Search List." There are numerous other cases involving this product filed throughout the country in other state and federal courts, although an MDL application has apparently not been filed by the parties in those cases. The cases filed presently involve at least 5 New Jersey plaintiffs residing in Burlington County (3), Monmouth County (1), and Somerset County (1). Other plaintiffs are from disparate states including Pennsylvania (2), Indiana, Florida (2), Georgia (2), Virginia, Wisconsin, Missouri, Ohio, South Carolina and Kentucky.

WHY COORDINATION IS APPROPRIATE

As set forth in the guidelines, mass tort designation is warranted when a litigation involves a large number of parties; many claims with common, recurrent issues of law and fact that are associated with a single product; there is geographical dispersement of parties; there is a high degree of commonality of injury; there is a value interdependence between different claims; there is a degree of remoteness between court and actual decision makers in the litigation; among other considerations. This litigation meets all of the above enunciated criteria. There are already 22 filed cases involving at least 34 plaintiffs. All cases will involve the recurrent legal issues under the Product Liability Act such as the FDA rebuttable presumption of adequacy, the

[1] The company has faced criminal charges in a related aspect of its business pertaining to its medical devices. On September 27, 2007 Stryker announced a resolution with the US Attorney's office in Newark over concerns that Defendant Stryker may have paid kickbacks to orthopedic surgeons in return for favoring their product. Former US Attorney Christie, who oversaw the settlement concluded that Stryker violated federal anti-kickback laws by paying doctors "to exclusively use their products." Mr. Christie stated that Stryker paid surgeons "tens to hundreds of thousands of dollars per year for consulting contracts and were often lavished with trips and other expensive perquisites," which were not disclosed to hospitals or patients.

heeding presumption, as well as the controversial defense Stryker will invariably raise as to whether the Medical Device Act preempts these product liability claims. Moreover, there are significant overlapping factual liability issues relating to the nature of the adulterants in the product; the nature of the defect warranting the recall, the delay in the recall, failure to comply with good manufacturing practices, among other related factual issues.

WHY ATLANTIC CITY IS AN APPROPRIATE MASS TORT VENUE

Geographical location is one factor to be considered when selecting the best venue in which to centralize a mass tort. *See Mass Torts—Guidelines and Criteria for Designation*, at 3 (Oct. 27, 2003) (describing the three factors to be considered as fairness, geographical location of the parties, and "the existing civil and mass tort caseload in the vicinage"). In the context of mass tort management, which is largely conducted through conferences between counsel for the parties and the court, the geographical location of the court should not be the prevailing factor in determining which vicinage is the most appropriate to coordinate the litigation at issue. All of the available venues for mass tort centralization—Atlantic, Bergen, and Middlesex counties—are convenient to regional and international airports (*e.g.*, Philadelphia, Atlantic City, and Newark) and are within a reasonable driving distance from the offices of defendant and their counsel in New Jersey.

An important factor in this determination should be the "existing civil and mass tort caseload in the vicinage" being considered. *See id.* Presently, there are 7 mass torts centralized in the Middlesex County Superior Court (*Asbestos, Ciba-Geigy, Gadolinium, HRT, Ortho Evra, Risperdal/Seroquel/Zyprexa,* and *Zometa/Aredia*). By contrast, there are only 5 mass torts centralized in Atlantic County of which 2 have settled and should be dismissed in the near future (*Accutane,Fosamax, Bextra/Celebrex* ***(settled)****, and Vioxx* ***(settled)*** *and Bristol-Myers Squibb Environmental*) and 3 newer mass torts centralized in Bergen County (*Depo-Provera* and *Mahwah Toxic Dump Site,* and *Zelnorm*). There are pending applications in the Nuva Ring litigation with the defendants requesting a Northern NJ venue, which presumably would be Bergen County. There are also pending applications in the Digitek litigation with the defendants seeking a Northern NJ venue and the plaintiffs seeking Atlantic County. That application referenced a little more than twenty plaintiffs, comparable to this litigation at this juncture.

With respect to the Vioxx litigation, the overwhelming majority of cases has or will be dismissed pursuant to the settlement program announced in November 2007. The Bextra-Celebrex litigation has also settled and dismissals are in the pipeline. There were thousands of cases involving the drugs Vioxx, Bextra and Celebrex and thus these settlements have largely cleared the Atlantic County dockets other than the ongoing stream of dismissal orders that are and will be getting filed in these cases[2]. In light of the recent settlement of the Bextra/Celebrex litigation, plaintiffs maintain that Atlantic County will have even more resources available to manage the Trident litigation. Given the magnitude of the Vioxx and Bextra/Celebrex litigations, Atlantic County's mass tort staff is equipped to handle mass torts involving literally thousands of cases. The recent designation of the Fosamax litigation in Atlantic County is of a very different magnitude with only 34 filed cases referenced in the mass tort application.

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[2] Given that my firm had the largest share of these cases, I am able to represent that the dismissals in the Bextra and Celebrex cases will be forthcoming in the first quarter of the new year as the paperwork gets completed with the releases of the many cases. The Vioxx dismissals have been a regular ongoing occurrence as part of the global settlement.

Similarly, the Bristol-Myers Squibb environmental case involves 106 plaintiffs, which is far smaller in scope than the Vioxx /Bextra and Celebrex litigation that are in the process of getting dismissed. Moreover, having presided over three Vioxx trials and several Accutane trials in the last few years, the Honorable Carol Higbee has extensive experience in not just managing but also trying complex medical product liability actions. Judge Higbee also played a key role in the global settlement of the Vioxx litigation and in the settlement of the Bextra/Celebrex litigation and has critical experience in settlement of complex, mass tort actions.

Further, plaintiffs contend that from a procedural standpoint, the Atlantic County Superior Court is the most appropriate vicinage because nearly all of the Stryker hip implant cases filed in New Jersey are already before the Honorable Carol E. Higbee, P.J.Cv., in Atlantic County (twenty cases as of the date of this letter). Thus, the Atlantic County court is already familiar with the claims at issue.

In light all the factors and information discussed above, plaintiffs respectfully request that the Supreme Court designate the Trident cases for mass tort treatment and centralize management of such matters in the Atlantic County Superior Court.

Respectfully submitted,

Ellen Relkin

cc: Michelle V. Perone, Esq., Chief, Civil Court Programs
The Honorable Carol Higbee
Kim M. Catullo, Esq., Gibbons, P.C.. (Counsel for Defendants)
Christopher Seeger, Esq. (Counsel for Plaintiffs in Koenig and Phillian v. Howmedica)
Michael Weinkowitz, Esq. (Counsel for Plaintiffs in Traficante v. Howmedica)
Douglas Kreis, Esq. (Counsel for Plaintiffs in all cases except Traficante)

stryker

Press Releases

Stryker Issues Statement Regarding FDA Warning Letter

KALAMAZOO, Mich., Jan. 22 /PRNewswire-FirstCall/ -- Stryker Corporation (NYSE: SYK) today issued the following statement in response to recent media attention regarding a Warning Letter dated November 28, 2007, that the United States Food and Drug Administration (FDA) published on its web site on January 15, 2008.

While Stryker does not normally comment on discussions with the FDA, the Company believes it is obligated to provide additional information to healthcare professionals, providers and patients in light of several media reports that draw erroneous conclusions surrounding the Warning Letter.

Most importantly, the Company does not believe there is any clinical evidence to indicate that the products mentioned in the Warning Letter present a safety issue to patients. Numerous published independent reports validate the long-term clinical performance of these products.

The Company takes these matters very seriously and has been cooperating fully with the FDA to address questions related to the FDA's observations of Stryker's internal process specifications. As part of a comprehensive review of internal processes following the FDA's observations, the Company conducted an investigation into a deviation from its internal specifications and processes for the Trident PSL and Hemispherical Acetabular Cups manufactured in its Cork, Ireland facility.

The internal investigation confirmed that all Trident Acetabular products manufactured in Cork, Ireland, have met all U.S. and international performance standards for sterility and biocompatibility. However, results from that testing indicated that the level of manufacturing residuals in some cases exceeded the Company's internal acceptance criteria. It is important to note this in no way impacts the product's sterility, nor product conformance to U.S. and international biocompatibility standards. As a result of the deviation from internal specifications, the Company is initiating a voluntary recall of Trident PSL and Hemispherical Acetabular Cups manufactured in its Cork facility. Medical expert opinion of current and historical data concludes that there are no safety issues for patients who received these products. In fact, independent clinical evidence confirms that the performance of these cups compares very favorably with other high performing acetabular devices.(1,2,3)

Trident Acetabular Cups manufactured in the Company's Mahwah, New Jersey facility are not part of the voluntary recall and are still available to supply Stryker's customers.

The Company anticipates some short-term supply disruption as a result of this action and is focused on eliminating these disruptions as expeditiously as possible. In that regard, the manufacturing process for these cups in Cork has now been validated, product shipments have resumed and the Company has increased production at both the Mahwah and Cork facilities. Quality is a Stryker core value and the Company remains committed to developing, manufacturing and marketing medical products that are safe and effective and that comply with applicable laws and regulations, including those administered by the FDA and regulatory bodies in other countries in which Stryker conducts business.

The Company does not anticipate any material financial impact on Stryker's guidance for its 2008 results as a result of this voluntary recall. Details regarding the Company's sales and earnings outlook will be provided in conjunction with the release of its fourth quarter 2007 operating results on Wednesday, January 23, 2008.

Forward-Looking Statements

This press release contains information that includes or is based on forward-looking statements within the meaning of the federal securities law that are subject to various risks and uncertainties that could cause the Company's actual results to differ materially from those expressed or implied in such statements. Such factors include, but are not limited to: pricing pressures generally, including cost-containment measures that could adversely affect the price of or demand for the Company's products; regulatory actions; unanticipated issues arising in connection with clinical studies and eventual FDA approval of new products; changes in reimbursement levels from third-party payors; a significant increase in product liability claims; changes in economic conditions that adversely affect the level of demand for the Company's products; changes in foreign exchange markets; changes in financial markets; and changes in the competitive environment. Additional information concerning these and other factors are contained in the Company's filings with the Securities and Exchange Commission, including the Company's Annual Report on Form 10-K and Quarterly Reports on Form 10-Q.

Stryker Corporation is one of the world's leading medical technology companies with the most broadly based range of products in orthopaedics and a significant presence in other medical specialties. Stryker works with respected medical professionals to help people lead more active and more satisfying lives. The Company's products include implants used in joint replacement, trauma, craniomaxillofacial and spinal surgeries; biologics; surgical, neurologic, ear, nose & throat and interventional pain equipment; and endoscopic, surgical navigation, communications and digital imaging systems; as well as patient handling and emergency medical

equipment. For more information about Stryker, please visit the company web site at www.stryker.com.

1. 2006 Annual Report of the Australian Orthopaedic Association. Retrieved January 21, 2008, from http://www.aoa.org.au/docs/njrrrep06.pdf

2. Capello WN, D'Antonio JA, Manley MT, Feinberg JR. Arc-deposited hydroxyapatite-coated cups: results at four to seven years. Clin Orthop Relat Res. 2005 Dec; 441: 305-12.

3. D'Antonio JA, Manley MT, Capello WN, Bierbaum BE, Ramakrishnan R, Naughton M, Sutton K. Five-year experience with Crossfire highly cross-linked polyethylene. Clin Orthop Relat Res. 2005 Dec; 441: 143-50.

SOURCE Stryker Corporation
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/Web site: http://www.stryker.com
http://www.aoa.org.au/docs/njrrrep06.pdf /
(SYK)

Medical Device Recalls Class 2 Recall Trident

See Related Information

Date Recall Initiated	January 21, 2008
Date Posted	June 12, 2008
Recall Number	Z-1170-2008
Product	Trident Hemispherical Cluster; 42mm - 74 mm Arc Deposited; Hydroxylapatite Coated; Multiholed; Use with Size A insert; hip prosthesis component, Stryker Orthopaedics, Howmedica Osteonics Corp, Mahwah, NJ 07430
Code Information	Catalog Numbers: # 502-01-42A; 42mm; 502-01-44B, 44mm; 502-01-46C, 46mm; 502-01-48D, 48mm; 502-01-50D, 50mm; 502-01-52E, 52mm; 502-01-54E, 54mm; 502-01-56F, 56mm; 502-01-58F, 58mm;, 502-01-60G, 60mm; 502-01-62G, 62mm; 502-01-64H, 64mm; 502-01-66H, 66mm; 502-01-681, 68mm; 502-01-701, 70mm;, 502-01-72J, 72mm; 502-01-74J, 74mm. All lot codes with expiration dates between 1/2005 and 12/2012
Recalling Firm/ Manufacturer	Stryker Howmedica Osteonics Corp. 325 Corporate Dr Mahwah , New Jersey 07430-2002

For Addition Information Contact	Larry Ross 201-831-5000
Reason For Recall	Foreign material: Some of the parts tested exceeded Stryker Orthopaedics internal acceptance criteria for manufacturing residuals.
Action	Recall notification letters were sent to Stryker Branches/agencies, OR Supervisors and Chief of Orthopaedics on 1/21/08. A Patient information sheet was sent on 2/4/08 to surgeons and hospitals. Per call with Center 2/4/08, recall letter to be revised and RES updated upon receipt. The letter was revised and sent on February 28, 2008 to include Trident PSL Acetabular shells. This letter was sent to Risk Management at hospitals and included the scope of the recall , the potential hazard and recommendation to physicians to monitor patients consistent with care for those receiving total hip replacement. It was also sent to surgeons and a revised letter to Stryker branches. A product acknowledgement form was included in all letters to indicate receipt of letter and quantity of product on hand, if applicable.
Quantity in Commerce	129,312 total shells, all Trident Hemispherical types
Distribution	Nationwide distribution.

Medical Device Recalls Class 2 Recall Trident

See Related Information

Date Recall Initiated	January 21, 2008
Date Posted	June 12, 2008
Recall Number	Z-1171-2008
Product	Trident Hemispherical HA Cluster, 42 mm - 74mm Arc Deposited; Hydroxylapatite Coated; Multiholed; Use with Size A insert; hip prosthesis component, Stryker Orthopaedics, Howmedica Osteonics Corp, Mahwah, NJ 07430
Code Information	Catalog Numbers: 502-11-42A, 42mm;502-11-44b, 44mm; 502-11-46C, 46mm; 502-11-48D, 48mm; 502-11-50D, 50mm; 502-11-52E, 52mm; 502-11-54E, 54mm; 502-11-56F, 56mm; 502-11-58F, 58mm; 502-11-60G, 60mm; 502-11-62G, 62mm; 502-11-64H, 64mm; 502-11-66H, 66mm; 502-11-68I, 68mm; 502-11-70I, 70mm; 502-11-72J. 72mm; 502-11-74J, 74mm. All lot codes with expiration dates between 1/2005 and 12/2012.
Recalling Firm/ Manufacturer	Stryker Howmedica Osteonics Corp. 325 Corporate Dr Mahwah , New Jersey 07430-2002
For Addition Information Contact	Larry Ross 201-831-5000
Reason For Recall	Foreign material: Some of the parts tested exceeded Stryker Orthopaedics internal acceptance criteria for manufacturing residuals.
Action	Recall notification letters were sent to Stryker Branches/agencies, OR Supervisors and Chief of

	Orthopaedics on 1/21/08. A Patient information sheet was sent on 2/4/08 to surgeons and hospitals. Per call with Center 2/4/08, recall letter to be revised and RES updated upon receipt. The letter was revised and sent on February 28, 2008 to include Trident PSL Acetabular shells. This letter was sent to Risk Management at hospitals and included the scope of the recall , the potential hazard and recommendation to physicians to monitor patients consistent with care for those receiving total hip replacement. It was also sent to surgeons and a revised letter to Stryker branches. A product acknowledgement form was included in all letters to indicate receipt of letter and quantity of product on hand, if applicable.
Quantity in Commerce	129,312 total shells, all Trident Hemispherical types
Distribution	Nationwide distribution.

Medical Device Recalls
Class 2 Recall
Trident

Date Recall Initiated	January 21, 2008
Date Posted	June 12, 2008
Recall Number	Z-1173-2008
Product	Trident PSL Acetabular Shells; Trident PSL HA Solid Back, 40 mm to 73 mm, hip prosthesis component, Stryker Orthopaedics, Howmedica Osteonics Corp, Mahwah, NJ 07430
Code Information	540-11-40A TRIDENT PSL HA SOLID BACK 40mm 2469501A 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3324601A 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3324601C 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3383201A 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3452701A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 1233601C 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 1233601E 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 1266301A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 2469901A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 2469902A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 3383301A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 3383301C 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 3452801A 540-11-44C TRIDENT PSL HA SOLID BACK 44mm 2468301A 540-11-44C TRIDENT PSL HA SOLID BACK 44mm 2468301D 540-11-44C TRIDENT PSL HA SOLID BACK 44mm 2485601A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2444801A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2468401A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2468401D 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2517201A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2517201D 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2549701A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2919001A 540-11-46D

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Recalling Firm/ Manufacturer	Stryker Howmedica Osteonics Corp. 325 Corporate Dr Mahwah , New Jersey 07430-2002
For Addition Information Contact	Larry Ross 201-831-5000
Reason For Recall	Foreign material: Some of the parts tested exceeded Stryker Orthopaedics internal acceptance criteria for manufacturing residuals.

Action	Recall notification letters were sent to Stryker Branches/agencies, OR Supervisors and Chief of Orthopaedics on 1/21/08. A Patient information sheet was sent on 2/4/08 to surgeons and hospitals. Per call with Center 2/4/08, recall letter to be revised and RES updated upon receipt. The letter was revised and sent on February 28, 2008 to include Trident PSL Acetabular shells. This letter was sent to Risk Management at hospitals and included the scope of the recall , the potential hazard and recommendation to physicians to monitor patients consistent with care for those receiving total hip replacement. It was also sent to surgeons and a revised letter to Stryker branches. A product acknowledgement form was included in all letters to indicate receipt of letter and quantity of product on hand, if applicable.
Quantity in Commerce	10191, both PSL types
Distribution	Nationwide distribution.

Medical Device Recalls
Class 2 Recall
Trident

Date Recall Initiated	January 21, 2008
Date Posted	June 12, 2008
Recall Number	Z-1174-2008
Product	Trident PSL HA Cluster: 40 mm to 72 mm, hip prosthesis component, Stryker Orthopaedics, Howmedica Osteonics Corp, Mahwah, NJ 07430
Code Information	540-11-40A TRIDENT PSL HA SOLID BACK 40mm 2469501A 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3324601A 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3324601C 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3383201A 540-11-40A TRIDENT PSL HA SOLID BACK 40mm 3452701A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 1233601C 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 1233601E 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 1266301A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 2469901A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 2469902A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 3383301A 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 3383301C 540-11-42B TRIDENT PSL HA SOLID BACK 42mm 3452801A 540-11-44C TRIDENT PSL HA SOLID BACK 44mm 2468301A 540-11-44C TRIDENT PSL HA SOLID BACK 44mm 2468301D 540-11-44C TRIDENT PSL HA SOLID BACK 44mm 2485601A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2444801A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2468401A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2468401D 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2517201A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2517201D 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2549701A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2919001A 540-11-46D TRIDENT PSL HA SOLID BACK 46mm 2919001D

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Recalling Firm/ Manufacturer	Stryker Howmedica Osteonics Corp. 325 Corporate Dr Mahwah , New Jersey 07430-2002
For Addition Information Contact	Larry Ross 201-831-5000
Reason For Recall	Foreign material: Some of the parts tested exceeded Stryker Orthopaedics internal acceptance criteria for manufacturing residuals.
Action	Recall notification letters were sent to Stryker

	Branches/agencies, OR Supervisors and Chief of Orthopaedics on 1/21/08. A Patient information sheet was sent on 2/4/08 to surgeons and hospitals. Per call with Center 2/4/08, recall letter to be revised and RES updated upon receipt. The letter was revised and sent on February 28, 2008 to include Trident PSL Acetabular shells. This letter was sent to Risk Management at hospitals and included the scope of the recall , the potential hazard and recommendation to physicians to monitor patients consistent with care for those receiving total hip replacement. It was also sent to surgeons and a revised letter to Stryker branches. A product acknowledgement form was included in all letters to indicate receipt of letter and quantity of product on hand, if applicable.
Quantity in Commerce	10191, both PSL Types
Distribution	Nationwide distribution.

Superior Court of New Jersey
Law Division Civil Part
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ATLANTIC	L -004158-08	N	CARRITHERS LINDA VS HOWMEDICA OSTEONICS CORPORATIO		Detail
ATLANTIC	L -004306-08	N	COMPSTONE CATHERINE VS HOWMEDICA OSTEONICS CORPORA		Detail
ATLANTIC	L -004397-08	N	DELAVERGNE CHARLOTTE CARTER VS HOWMEDICA OSTEONICS		Detail
ATLANTIC	L -004307-08	N	GUNDERSEN DOROTHY VS HOWMEDICA OSTEONICS CORPORATI		Detail
ATLANTIC	L -004398-08	N	HASKETT JOHN RALPH VS HOWMEDICA OSTEONICS CORPORAT		Detail
ATLANTIC	L -004310-08	N	IBANEZ DAVID VS HOWMEDICA OSTEONICS CORPORATION		Detail
ATLANTIC	L -004309-08	N	JOHNSON JOHN VS HOWMEDICA OSTEONICS CORPORATION		Detail
ATLANTIC	L -004400-08	N	KENNEDY DOROTHY VS HOWMEDICA OSTEONICS CORPORATION		Detail
ATLANTIC	L -002867-08	N	KERSEY MICHAEL VS HOWMEDICA OSTEONICS CORPORATION		Detail
ATLANTIC	L -004235-08	N	LYNCH KNECHT DEBORAH VS HOWMEDICA OSTEONICS CORPOR		Detail
ATLANTIC	L -004157-08	N	MAENNER RICHARD ANTHONY VS HOWMEDICA OSTEONICS COR		Detail
ATLANTIC	L -002866-08	N	MCARTHUR SUE ETAL VS HOWMEDICA OSTEONICS CORPORATI		Detail
ATLANTIC	L -004156-08	N	NELSON SR KENNETH MICHAEL VS HOWMEDICA OSTEONICS C		Detail
ATLANTIC	L -004401-08	N	PEARCE JO VS HOWMEDICA OSTEONICS CORPORATION		Detail
ATLANTIC	L -004155-08	N	POZEGA MICHAEL LEWIS VS HOWMEDICA OSTEONICS CORP		Detail
ATLANTIC	L -004234-08	N	RAGNI JEFFREY E VS HOWMEDICA OSTEONICS CORPORATION		Detail

ATLANTIC	L -004399-08	N	TANNENBAUM IRVING VS HOWMEDICA OSTEONICS CORPORATI		Detail
ATLANTIC	L -003572-08	N	TRAFICANTE NANCY VS STRYKER CORPORATION		Detail
ATLANTIC	L -002865-08	N	TUCKER DWAYNE ETAL VS HOWMEDICA OSTEONICS CORPORAT		Detail

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MIDDLESEX	L -004828-08	N	TITUS TRACI VS STRYKER CORPORATION		Detail

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OCEAN	L -003644-08	N	RICHTER VS PALMIERI MD	-	Detail

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January 6, 2009

Via Federal Express

Hon. Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Administrative Office of the Courts
of the State of New Jersey
Richard J. Hughes Justice Complex
25 W. Market Street
Trenton, New Jersey 08625

Re: ***Request for Mass Tort Designation of Cases Involving the Trident Stryker Hip Implants (Correction)***

Dear Judge Grant:

On December 30, 2008, I submitted a Request for Mass Tort Designation of Cases Involving the Trident Stryker Hip Implants on behalf of plaintiffs involving nineteen of the cases currently filed in New Jersey involving the Trident hip implant manufactured by defendant Howmedica Osteonics Corporation, a New Jersey corporation, d/b/a Stryker Orthopaedics, hereinafter, Stryker. Plaintiffs are seeking a mass tort designation of this litigation in accordance with Rule 4:38A - Centralized Management of Mass Torts and the Mass Tort Guidelines and Criteria for Designation (Directive #10-7). In my application, due to my having overlooked two pages of the New Jersey Courts Online print-out, the number of cases currently filed in New Jersey state courts, was incorrectly stated as twenty-two. There are twenty-five cases currently filed in New Jersey state courts involving the Trident hip implant manufactured by Stryker. As I stated twenty cases have been filed in Atlantic County and two cases have been filed in Bergen County. I neglected to note that cases have also been two filed in Middlesex County and one case has been filed in Ocean County.

I also should mention that there is a pending class action involving breach of warranty claims pending before the Honorable Jose Linares in the United States District Court for the

New Jersey. I enclose a very recent decision (12/31/08) on the viability of the Express Warranty claim. One of the criteria for mass tort centralization is "whether there are related matters pending in Federal court or in other state courts that require coordination with a single New Jersey judge". Certainly, coordination between Judge Linares and one New Jersey Mass Tort judge would be productive.

Respectfully submitted,

Ellen Relkin

cc: Michelle V. Perone, Esq., Chief, Civil Court Programs
The Honorable Carol Higbee
Kim M. Catullo, Esq., Gibbons, P.C.. (Counsel for Defendants)
Christopher Seeger, Esq. (Counsel for Plaintiffs in Koenig and Phillian v. Howmedica)
Michael Weinkowitz, Esq. (Counsel for Plaintiffs in Traficante v. Howmedica)
Douglas Kreis, Esq. (Counsel for Plaintiffs in all cases except Traficante)