

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

IN RE: PROFEMUR HIP IMPLANT) **MDL No. 2949**
PRODUCTS LIABILITY LITIGATION) **ALL CASES**

ORDER

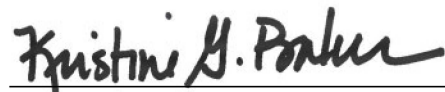
On April 14, 2023, the Court conducted a confidential status conference at which the parties discussed the status, next steps, and eventual resolution of this multidistrict litigation (“MDL-2949”). Based on progress made in the MDL-2949, the Court directed the parties to file a motion regarding rescinding paragraph 14 of the Court’s prior Case Management Order No. 1 (Dkt. No. 56) (“CMO-1”), permitting direct filing of new complaints in the Eastern District of Arkansas rather than requiring the filing in the home district and transferring same through the conditional transfer process in accordance with Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation. On May 23, 2023, the parties filed their joint motion (Dkt. No. 129) (“Joint Motion”) asking the Court to vacate the CMO-1 with respect to direct filing.

The vast majority of the cases that have either been transferred to or directly filed in this MDL-2949 have been resolved through settlement, and the parties are working to address the few matters that remain. In CMO-1, the Court, among other things, authorized the filing of new cases directly in the MDL-2949 (Dkt. No. 56, ¶ 14). Direct filing was jointly requested for efficiency, alleviating in many instances the administrative burden of the conditional transfer process through the Joint Panel on Multidistrict Litigation. Considering the resolution of most cases that were pending in MDL-2949 and the current plan for addressing those that remain, the direct filing of cases in the MDL-2949 no longer serves the interests of this litigation.

Accordingly, and after careful consideration of the parties' Joint Motion, and in the exercise of this Court's broad discretion to manage the MDL-2949, it is hereby ordered that the parties' Joint Motion is granted (Dkt. No. 129). The Court hereby vacates CMO-1 to the extent that it allowed direct filings and orders that the direct filing of new cases is no longer permitted in MDL-2949.

The Court also orders the parties to provide a status report to the Court, within 90 days from the date of this Order, advising the Court as to how many cases remain unresolved in the MDL-2949.

So ordered this 30th day of May, 2023.



Kristine G. Baker
United States District Court Judge