

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF ARKANSAS  
RICHARD SHEPPARD ARNOLD UNITED STATES COURTHOUSE  
500 WEST CAPITOL AVENUE, SUITE D-469  
LITTLE ROCK, ARKANSAS 72201-3325

**KRISTINE G. BAKER**  
**DISTRICT JUDGE**

(501) 604-5420  
FAX: (501) 604-5427

October 29, 2020

Re: **PROFEMUR HIP IMPLANT PRODUCTS LIABILITY LITIGATION**  
**MDL No. 2949**  
**ALL CASES**

Dear Counsel:

As you are aware, the Judicial Panel on Multidistrict Litigation has transferred to this Court for centralized pretrial proceedings actions that concern alleged defects in the Wright Medical and Microport Profemur line of modular hip implants, which were offered in titanium and cobalt chromium alloys.

With this letter, I am scheduling an initial organizational meeting by telephone conference on Monday, November 30, 2020, beginning at 10:30 a.m. in Courtroom 4D. Prior to that telephone conference, please email my chambers at [KGBchambers@ared.uscourts.gov](mailto:KGBchambers@ared.uscourts.gov) to inform courtroom deputy, Tracy Washington, that you plan to participate. The Court will provide call-in information to counsel who participate prior to the initial conference. We will ask all counsel to introduce themselves for the record at the start of the telephone conference.

Each party represented by counsel shall appear at the initial conference by participating in the telephone conference through his or her attorney, who will have primary responsibility for the parties' interests in this litigation. To minimize costs and facilitate a manageable conference, however, parties with similar interests may agree to have an attending attorney represent their interest at the conference. A party will not, by so designating an attorney to represent his or her interests at the conference, be precluded from other representation during the litigation. Attendance at the conference will not waive objections to jurisdiction, venue, or service.

By prior Order, the Court requested that counsel for plaintiffs and counsel for defendants, to the extent they have not already done so, confer and seek consensus on the selection of a candidate for the position of liaison counsel for each group to serve as the primary contact person for the Court regarding administrative matters. Liaison counsel shall be required to maintain complete files with copies of all documents served upon them and shall make such files available to other parties upon request. Liaison counsel are also authorized to receive orders and notices from the MDL Panel

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pursuant to Rule 8(e) of the Panel's Rules of Procedure on behalf of all parties and shall be responsible for the preparation and transmittal of copies of such orders and notices to all parties.

It is my understanding that Paul James, Kirk Pope, and George McLaughlin, who represent plaintiffs, may wish to propose a structure for the organization of plaintiffs' counsel. If so, I would be happy to receive that proposal (no more than five pages) in advance of our initial organizational meeting. It should address the need for liaison counsel in addition to lead counsel, the need for plaintiffs' steering committee, the proposed fee and compensation structure, and the need for liaison counsel as to related state cases. Of course, other counsel may file similar proposals if they choose to do so, and the Court will consider all such proposals to make these determinations. The deadline for submitting such proposals is November 20, 2020, and these proposals should be submitted by email to [KGBchambers@ared.uscourts.gov](mailto:KGBchambers@ared.uscourts.gov).

It also would be helpful to receive by November 20, 2020, a summary of the procedural setting of these various cases, as I understand some are very recently filed and others are already well into discovery. The timing of any motions that need to be resolved in the newer cases, a plan for discovery that avoids duplication to the extent possible but does not unduly delay the continued progress of the cases where discovery is underway, and a summary of the protective orders currently in place and proposals for such orders going forward are among the topics that I would like to discuss at the initial organizational meeting. In addition, these proposals may address a proposed schedule for conducting discovery and motion practice. Further, the Court would like for defendants to report whether they intend to file any motions to dismiss based on jurisdiction or service issues and whether they believe the appropriate defendants have been named. One summary from each side, indicating areas of agreement, is preferred (no more than 10 pages). These documents will not be binding, will not waive claims or defenses, and may not be offered in evidence against a party in later proceedings. At this time, to advance this litigation while considering all matters, I ask Mr. James, Mr. Pope, and Mr. McLaughlin to take the lead for plaintiffs' summary and the lawyers of Duane Morris LLP to do so for defendants' summary. These summaries also should be submitted by email to my chambers.

I look forward to meeting with you. United States Magistrate Judge Patricia S. Harris will join our call and is assigned to this litigation with me. Tracy Washington, who serves as courtroom deputy, and Debra Williams, who has joined my staff as a law clerk, will be on the call, as well.

Sincerely,



Kristine G. Baker  
United States District Judge

KGB/tmw