

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

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

ORDER

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 (the “MDL”). MDL co-lead counsel for plaintiffs, counsel for defendant MicroPort Orthopedics Inc. (“MicroPort”), and counsel for defendant Wright Medical Group, Inc. (“Wright Medical”), submitted to the Court for consideration a joint position statement in connection with the March 25, 2021, status conference and proposed discovery schedules. The Court conducted a status conference with all counsel on March 25, 2021, and heard argument regarding the competing proposed discovery schedules.

For good cause shown, the Court orders that:

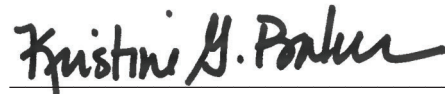
- (1) On or before April 30, 2021, all parties complete discussion and negotiations regarding use of prior discovery.
- (2) On or before May 7, 2021, all parties submit to the Court proposed plaintiff’s fact sheet and proposed defendants’ fact sheet. If a joint agreement on these issues cannot be reached, plaintiffs, MicroPort, and Wright Medical shall submit separate proposals to the Court.

- (3) On or before May 7, 2021, all parties submit to the Court a proposal regarding use of prior discovery and a proposed schedule for next steps in planning the conduct of discovery in MDL 2949. If a joint agreement on these issues cannot be reached, plaintiffs, MicroPort, and Wright Medical shall submit separate proposals to the Court. Any proposal agreed upon by the parties or submitted to the Court for consideration shall include, but not be limited to, the following:
- (a) A proposed deadline for the parties to serve their respective responses to plaintiff's fact sheet and defendants' fact sheet.
 - (b) A proposed deadline for plaintiffs to submit to MicroPort and Wright Medical proposed electronically stored information ("ESI") search terms.
 - (c) A proposed deadline for the parties to meet and confer regarding plaintiffs' proposed ESI search terms.
 - (d) A proposed deadline for the parties to agree to ESI search terms or to otherwise submit to the Court their relative positions regarding ESI search terms and ESI in general.
 - (e) A proposed deadline for defendants to serve plaintiffs with a list of ESI custodians.
 - (f) A proposed deadline for defendants to produce the initial production of documents generated by ESI discovery, with additional productions to be made on a rolling basis until completed, unless the parties agree otherwise or the Court orders otherwise.
 - (g) A proposed deadline for plaintiffs to serve MicroPort and Wright Medical with first interrogatories and request for production of documents and things.

- (h) A proposed deadline for MicroPort and Wright Medical to respond or otherwise object to first interrogatories and request for production of documents and things propounded by plaintiffs.
- (i) A proposed deadline for the parties to confer regarding depositions to be taken and a schedule for those depositions, including but not limited to Federal Rule of Civil Procedure 30(b)(6) depositions and topics.

The Court will confer with counsel in this matter to schedule, and will set by separate order, status conferences the weeks of May 17, 2021; June 21, 2021; and August 16, 2021, as needed, and periodically thereafter as required or requested by the parties.

So ordered this 6th day of April, 2021.



Kristine G. Baker
United States District Court Judge