

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: STRYKER REJUVENATE AND
ABG II HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/FLN)

This Document Relates to:

JAMES BOWERS and MICHELLE
BOWERS,

Plaintiffs,

v. Civil No. 18-13 (DWF/FLN)

HOWMEDICA OSTEONICS d/b/a
STRYKER ORTHOPAEDICS, STRYKER
CORP., STRYKER SALES
CORPORATION and STRYKER IRELAND
LIMITED,

Defendants.

**ORDER VACATING ORDER FOR
DISMISSAL WITHOUT PREJUDICE**

Amended Pretrial Order No. 29 (13-md-2441(DWF/FLN) Doc. No. [642])

prohibits the filing of notices of voluntary dismissal pursuant to Fed. R. Civ. P.

41(a)(1)(A)(i) to create efficiencies and aid in the administration of this case.

On April 18, 2018, Plaintiffs James Bowers and Michelle Bowers filed a Notice of Voluntary Dismissal (Civil No. 18-13 (DWF/FLN), Doc. No. [7]). The Notice of Voluntary Dismissal was not signed by all parties and it was not filed in the master docket so as to provide notice to all parties.

On April 19, 2018 the Court entered the following Text Order (Civil No. 18-13 (DWF/FLN), Doc. No. [8]):

The Court reminds the parties that Amended Pretrial Order No. 29 (MDL No. 13-2441, Doc. No. 642) prohibits the filing of notices of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). Instead, parties may file stipulations of dismissal. That said, counsel shall have 30 days from the date of this Order to file any objection to Plaintiff's Notice of Dismissal (Civil No. 18-13, Doc. No. 7). Absent any objection, the Court will dismiss this action without prejudice.

However, counsel for Defendants did not receive notice of the April 19, 2018 Text Order and did not have an opportunity to respond.

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. The Order for Dismissal Without Prejudice (Doc. No. [9]) in Civil No. 18-13 (DWF/FLN) be **VACATED** and that the Order for Dismissal Without Prejudice (Doc. No. [1076]) filed in MDL 13-2441 (DWF/FLN) be **VACATED**.
2. Any future motion for dismissal without prejudice shall be made by stipulation pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

Dated: June 18, 2018

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge