

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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

MDL No. 13-2441 (DWF/BRT)

This Document Relates to:

JOSEPH BENNETT,

Plaintiff,

v. Civil No. 14-4224 (DWF/BRT)

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

Defendants.

**ORDER OF DISMISSAL  
WITH PREJUDICE**

In further management of its docket, on January 15, 2020 the Court entered Pretrial Order No. 44 Regarding Pending and Future Requests to Withdraw as Counsel in this MDL (“PTO#44”). (MDL No. 13-2441 (DWF/BRT), Doc. No. [1567]). PTO#44 established certain requirements for Requests to Withdraw as counsel in this MDL, including the requirement that counsel seeking to withdraw in an Unrevised, Deceased Plaintiff MDL lawsuit advise (or make good faith effort to advise) the Unrevised Plaintiff’s Estate or Legal Representative of the tolling election response obligation and potential dismissal for non-compliance set forth in the Court’s September 19, 2019 Order (MDL No. 13-2441 (DWF/BRT), Doc. No. [1394]). Pursuant to PTO #44, counsel in the

above captioned, *Joseph Bennett v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, matter filed the required notice with the Court (MDL No. 13-2441 (DWF/BRT), Doc. No. [1644]); Civil No. 14-4224 (DWF/BRT), Doc. No. [10]) and also filed a Suggestion of Death indicating that the Unrevised Plaintiff was deceased (MDL No. 13-2441 (DWF/BRT), Doc. No. [1570]; Civil No. 14-4224 (DWF/BRT), Doc. No. [9]). In the notice filing with the Court, counsel advised that he was told by a relative of the decedent that the family did not intend to seek appointment of a personal representative of the decedent's estate, nor did the family intend to pursue the Unrevised Plaintiff decedent's lawsuit. In the notice submission, counsel also renewed a request to be permitted to withdraw as counsel.

**ACCORDINGLY, IT IS HEREBY ORDERED** that:

1. The pending request to withdraw as counsel in the above captioned matter, *Joseph Bennett v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, is hereby **GRANTED**; and

2. The *Joseph Bennett v. Howmedica Osteonics Corp., d/b/a Stryker Orthopaedics, Stryker Corp., Stryker Sales Corporation and Stryker Ireland Limited*, matter is hereby **DISMISSED** in its entirety **WITH PREJUDICE** and without costs to any party.

Dated: March 20, 2020

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