

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: STRYKER REJUVENATE AND
ABGII HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

MDL No. 13-2441 (DWF/BRT)

PRETRIAL ORDER NO. 48

This Document Relates to All Actions

**ORDER RELATING TO PRIVATE
SETTLEMENT AGREEMENT**

On January 5, 2021, the Court entered Pretrial Order No. 47 Relating to Private Settlement Agreement requiring Lead Counsel to make certain inquiries and report back to the Court regarding the status of enrollment in the settlement announced on September 9, 2020. As part of that report, the Court specifically requested information concerning: (i) any non-responsive litigants, and (ii) purported opt-out matters. The Court having now been updated regarding the status of the settlement enrollment further orders as follow:

ORDER

1. To the extent that a plaintiff has failed to respond to his/her individual counsel regarding enrollment in the pending settlement program then such plaintiff has until February 5, 2021 to confer with and respond to his/her individual case counsel regarding enrollment in the settlement program. Individual counsel shall be responsible for communicating this Court-ordered obligation and deadline to any unresponsive plaintiff. No later than February 12, 2021 such individual counsel shall report to lead

counsel the status of each plaintiff's response regarding enrollment. In this regard, the Court notes that a plaintiff's failure to respond to individual counsel regarding enrollment is not a valid basis to identify the matter as an opt-out. Rather, the Court requires individual counsel to identify to lead counsel those matters in which a plaintiff has failed to respond to enrollment inquiries.

2. Lead counsel must report back to this Court all remaining unenrolled matters and all matters in which a plaintiff is unresponsive to enrollment inquiries from his/her counsel no later than February 15, 2021. The Court shall then take further action as necessary, including potentially dismissal matters in which the plaintiff has failed to respond.

Dated: January 20, 2021

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