

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS,	§	
INC. PINNACLE HIP IMPLANT	§	MDL Docket No.
PRODUCTS LIABILITY	§	
LITIGATION	§	3:11-MD-2244-K
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This Document Relates to all Cases	§	
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**AMENDMENT TO CASE MANAGEMENT ORDER NO. 5**

Based on the joint recommendations of the parties, the Court hereby adopts this Amendment to Case Management Order No. 5, which shall apply to all cases in this MDL proceeding (the “Coordinated Actions”).

**Pleading Issues**

Section III of CMO No. 5, “Pleading Issues” is hereby amended to include subsection 2 “Responsive Pleadings (Defendants In Cases Subject To Motions To Remand)” as set forth below.

*1. Responsive Pleadings (Defendants in Cases Subject to Motions to Remand).*

Notwithstanding the previous paragraph, in the interest of judicial economy, each party named as a defendant in a case in this MDL proceeding, other than those identified in Section II.1 and any parent, subsidiary or affiliate of those entities, that is subject to a motion to remand is not required to answer or otherwise respond to the complaint in such a case until 30 days after this Court’s ruling on the motion to remand.

Similarly, Thomas Schmalzried, M.D., an individual, and Thomas Schmalzried, M.D., A Professional Corporation are not required to answer or otherwise respond to the complaints in which they have been named, regardless of where they were filed, until 30 days after this Court's ruling on the motions to remand in those cases naming them which were removed from state court. This section shall apply to all cases that have been previously filed in – or transferred to – this MDL proceeding, as well as all future-filed cases.

**SO ORDERED.**

Signed July 16<sup>th</sup>, 2013.



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UNITED STATES DISTRICT JUDGE