

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
-----	§	
This Document Relates to All Cases	§	CASE MANAGEMENT
-----	§	ORDER No. 10
	§	

CASE MANAGEMENT ORDER NO. 10
PINNACLE PLAINTIFF PROFILE FORM

Pursuant to agreement of counsel in this MDL, this Order shall apply to all actions currently pending in MDL No. 2244, all future actions transferred to MDL No. 2244, and all future actions direct-filed in MDL No. 2244.

1. All plaintiffs are ordered to complete and serve a Pinnacle Plaintiff Profile Form (PPF) (attached as Exhibit A).
2. For the cases filed or transferred into MDL 2244 on or before the date of this Order, the PPFs shall be completed and served on a rolling basis, as follows:
 - a. For cases in which the plaintiffs' implant and/or revision surger(ies) occurred in, or the plaintiffs' states of residence are, Texas, California or New York, or that were filed or transferred into MDL 2244 on or before December 31, 2011, the plaintiff shall have 30 days from the date of this Order to serve a completed PPF.

- b. For cases not covered by Section 2.a. that were filed or transferred into MDL 2244 after December 31, 2011 but on or before November 15, 2012, the plaintiff shall have 60 days from the date of this Order to serve a completed PPF.
 - c. For cases not covered by Section 2.a. that were filed or transferred into MDL 2244 after November 15, 2012 but on or before April 15, 2014, the plaintiff shall have 90 days from the date of this Order to serve a completed PPF.
 - d. For cases not covered by Section 2.a. that were filed or transferred into MDL 2244 after April 15, 2014 but on or before the date of this Order, the plaintiff shall have 120 days from the date of this Order to serve a completed PPF.
3. For cases that are filed or transferred into MDL 2244 after the date of this Order, the plaintiff shall have 120 days from the date the case is filed or transferred into MDL 2244 to serve a completed PPF.
4. Nothing in the PPF shall be deemed to limit the scope of discovery in a plaintiff's case. The scope of discovery in a plaintiff's case shall remain governed by the Federal Rules of Civil Procedure. The admissibility of information in the PPF shall be governed by the Federal Rules, and no objections to admissibility of the information in the PPF are waived by

virtue of any fact sheet response. All responses in a PPF are binding on each plaintiff as if they were contained in responses to interrogatories.

5. The parties may agree to an extension of the above time limits for service of the PPF. Consideration should be given to requests for extensions to stagger PPF deadlines where plaintiffs' counsel have a large number due on or near the same dates. If the parties cannot agree on reasonable extensions of time, such party may apply to the Court for such relief upon a showing of good cause.
6. Each completed PPF shall be emailed to:
 - a. Defendants: Jessica Jaffe, Skadden, Arps, Slate, Meagher & Flom LLP, 4 Times Square, New York, NY 10036 (PPFsubmission@skadden.com) and (PinnaclePPF@granitelegal.com); and
 - b. Plaintiffs Steering Committee: Dustin Carter, Neblett, Beard & Arsenault, 2220 Bonaventure Court, Alexandria, Louisiana 71301 (pinnaclePPF@nbalawfirm.com).
7. The PPF should not be filed with the Court.
8. The PPF must be completed and served regardless of whether a plaintiff has previously served a Plaintiff Fact Sheet – it is a separate and independent form and must be completed. The PPF is designed to obtain information necessary for the Court to gain a more specific understanding of the nature of the cases in the MDL proceeding.
9. The PPF must be completed in Adobe Acrobat Reader DC. No handwritten entries on the Pinnacle Plaintiff Profile Form are acceptable.

10. When completed, the PPF should be saved and named using the following format: <plaintiff last name>_<plaintiff first name>.pdf
[Example: Smith_John.pdf]
11. Product Identification Stickers/Implant Stickers must be scanned or photographed and submitted for all Pinnacle products implanted during implant or revision procedures. Multiple images/pages are acceptable. The Product Identification Stickers/Implant Stickers should not be attached to the PPF. They should be sent as a separate/additional attachment in the email transmitting the PPF using the following format: <plaintiff last name>_<plaintiff first name>_#.file type
[Example: Smith_John_1.jpg; Smith_John_2.png]
12. Multiple files may be served/mailed in the same email. Multiple files for multiple plaintiffs may be served/mailed in the same email provided the naming convention has been observed.
13. *All plaintiffs have a continuing duty to serve an updated form if information contained in this form changes (e.g., if a plaintiff undergoes a revision surgery).*

14. When an updated PPF is completed, the updated form should be saved and named using the following format: <plaintiff last name>_<plaintiff first name>_amended.pdf [Example: Smith_John_amended.pdf]

IT IS SO ORDERED.

Signed April 6th, 2018.



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UNITED STATES DISTRICT JUDGE