

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: WRIGHT MEDICAL)	MDL DOCKET NO. 2329
TECHNOLOGY, INC.,)	
CONSERVE HIP IMPLANT)	
PRODUCTS LIABILITY)	1:12-MD-2329-WSD
LITIGATION)	
)	
)	
This Document Relates To:)	
ALL CASES)	

SECOND AMENDED DETAILED DISCOVERY PLAN

This Second Amended Detailed Discovery Plan, as proposed by the parties and approved by the Court, is entered as an Order of the Court and shall govern discovery in MDL 2329.

1. May 2, 2012: Court entered the Stipulated Protective Order of Confidentiality which, as amended on January 28, 2013 [Doc. 402], governs all hard copy and electronic materials which are subject to discovery;
2. May 21, 2012: Parties submitted the Proposed Explant Preservation Order to the Court;
3. May 24, 2012: Parties agreed to accept service of discovery requests and responses electronically;

4. May 25, 2012: Discovery period commenced; Plaintiffs served Interrogatories, First Request for the Production of Documents and Things and Notice of Fed. R. Civ. P. 30(b)(6) Deposition on Defendant Wright Medical Technology, Inc. regarding location and scope of electronically stored information and the identity of custodians and locations of custodial documents;

5. May 30, 2012: Parties submitted to the Court their Proposed Plaintiff's Fact Sheet and Proposed Defendants' Fact Sheet;

6. May 31, 2012: Plaintiffs submitted their First Draft of Proposed Electronically Stored Information ("ESI") Search Terms to Defendants;

7. June 4, 2012: Telephone Conference with parties and the Court regarding status of discovery was conducted;

8. June 8, 2012: Proposed ESI Order was submitted by the parties to the Court;

9. June 22, 2012: Plaintiff's Preliminary Disclosure Forms were due to be served in all cases that were transferred or filed in the MDL prior to May 23, 2012 and Plaintiff's Preliminary Disclosure Forms are due in all other cases direct filed or transferred after May 23, 2012, thirty (30) days from docketing;

10. June 27, 2012: the Court ordered: (a) Plaintiffs to serve 50 interrogatories and 50 requests to produce based on the "Baker Device" (*Jimmie Lee*

Baker, et al. v. Wright Medical Technology, Inc., et al., Civil Action No.:

1:12-cv-0598, GAND) (the “Baker Written Discovery”) by July 3, 2012 and use that as a template to expand the interrogatories and requests for production as necessary to address the other issues involving the other devices; (b) the parties to agree to ESI search terms by 5:00 p.m., July 3, 2012; (c) Defendant to serve Plaintiffs with a list of custodians by 5:00 p.m., July 3, 2012; (d) Defendant to produce certain regulatory, marketing, and design documents to Plaintiff, by July 9, 2012; (e) the parties to jointly submit a Detailed Discovery Plan by July 9, 2012; and, (f) that Plaintiffs’ previously served interrogatories and requests for production are withdrawn.

11. July 3, 2012: Plaintiffs served interrogatories and requests for production; Defendants submitted to the Court a list of custodians; and the parties submitted to the Court a list of agreed search terms and parameters.

12. July 9, 2012: Defendants disclosed whether they are in possession of any materials associated with an individual plaintiff’s revision surgery for all plaintiffs that served a Plaintiff Preliminary Disclosure Form on June 22, 2012, with continued rolling responses with respect to later filed actions in accordance with CMO 1; the parties submitted proposed Detailed Discovery Plan; and Defendants produced certain regulatory, marketing and design documents to Plaintiffs;

13. July 10, 2012: Telephone Conference with the parties and the Court regarding status of discovery;

14. July 20, 2012: Plaintiffs served Defendants with Notice of 30(b)(6) deposition;

15. August 3, 2012: Defendants' responses to the Baker Written Discovery served on Plaintiffs;¹

16. August 10, 2012: Parties submitted remaining issues regarding the scope of discovery to the Court;

17. August 13, 2012: Telephone Conference with the parties and the Court regarding status of discovery;

18. September 7, 2012: Pursuant to Court order, Defendants were to submit Defendants' Proposed Schedule for Production setting further the following document production dates:

¹ The parties agreed during the July 10, 2012, scheduled telephone conference that Defendants will respond to the Baker Written Discovery and thereafter the Lead and Co-Counsel for the parties shall promptly meet to discuss issues that arise from the responses regarding the scope of discovery in an effort to address and resolve any concerns Plaintiffs identify in Defendants' responses. Unresolved disputes were identified to the Court on or before August 10, 2012. After any disputes were resolved by the Court, the Baker Written Discovery was used as a template for further written discovery on Defendants regarding other devices at issue in this MDL.

- September 24, 2012: PDF documents relating to the PROFEMUR device as indicated in the Court's September 4, 2012 Order;
- October 1, 2012: First batch of ESI data and Plaintiff specific DHR's and Complaint files collected to date;
- October 15, 2012:² Second batch of ESI data and documents relating to payments to physicians as indicated in the Court's September 4, 2012 Order;
- October 15, 2012: Third batch of ESI data;
- October 22, 2012: Final batch of ESI data and any outstanding PDF documents (if not otherwise finalized).

The above schedule is amended as follows:

- October 26, 2012: Third batch of ESI data;
- November 12, 2012: Fourth batch of ESI data; and
- December 3, 2012: Final batch of ESI data and any outstanding PDF documents (if not otherwise finalized).

19. September 10, 2012: Telephone Conference with the parties and the Court regarding status of discovery;

² By agreement of the parties in order to resolve ESI data issues.

20. October 9, 2012: Telephone Conference with the parties and the Court regarding status of discovery;

21. January 31, 2013: Defendants to have completed their production of documents and things;

22. February 13, 2013: At least the following dates were set aside by counsel for the parties to maximize availability for depositions of Wright witnesses:

February 13, 14, 19, 20, and 21, 2013;

March 5, 6, 7, 19, 20 and 21, 2013;

April 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25 and 30, 2013.

In addition, the following Wright Medical depositions are presently set to take place as follows:

May 8, 2013:	Matt Jerome
May 10, 2013:	Satya Nambu
May 13, 2013:	Steve Seger
May 24, 2013:	Michael Roth
May 30, 2013:	Irina Timmerman

23. Non-Party / Third-Party Discovery:

The following schedule is proposed to complete depositions of the identified former Wright Medical employees, Wright Medical clinical, regulatory, and healthcare consultants, and specified implanting surgeon depositions:

- a. May 7, 2013: Thomas Morancy
- b. May 8, 2013; Scott Corpe, M.D.
- c. May 9, 2013: FCA & Associates
- d. May 15, 2013: Myron Stachniw, M.D.
- e. May 17, 2013: Cromsource, Inc. f/k/a Pleiad, Inc.
- f. May 20, 2013: Brad Penenberg, M.D.
- g. May 21, 2013: Bill Zurowski
- h. May 22, 2013: Jason Snibbe, M.D.
- i. May 29, 2013: Vincent Fowble, M.D.
- j. June 4, 2013: Paul Lux, M.D. and Harlan Amstutz, M.D.
- k. June 5, 2013: Pat Campbell, Ph.D.
- l. June 7, 2013: Richard Weiner, M.D.
- m. June 10, 2013: Kace Ezzet, M.D.
- n. June 13, 2013: Michael Patrick
- o. June 14, 2013: Edward Sparling, M.D.
- p. June 19, 2013: Scott Ball, M.D.

- q. June 21, 2013: Claiborne Moseley, M.D.
- r. June 26, 2013: Lowry Barnes, M.D.
- s. June 28, 2013: Michael Anderson, M.D.
- t. June 29, 2013: Joel Batts
- u. July 9, 2013: G. Lynn Rasmussen, M.D.

To the extent that the schedule above has to be modified by witness or attorney availability, and cannot be accomplished on or before July 9, 2013, the parties will complete such deposition(s) so as not to affect or delay expert discovery.

24. November 13, 2012: Telephone Conference with the parties and the Court regarding status of discovery;

25. January 28, 2013: Parties' original date to serve Requests for Admissions; date amended to April 1, 2013 by Court Order [Doc. 378], and to June 28, 2013 by this Second Amended Detailed Discovery Plan;

26. January 2, 2013: Telephone Conference with the parties and the Court regarding status of discovery;

27. February 11, 2013: Telephone Conference with the parties and the Court regarding status of discovery;

28. July 9, 2013: End of non-expert discovery and the end of depositions of Wright Medicals' representatives;

29. March 11, 2013: Telephone Conference with the parties and the Court regarding status of discovery;

30. May 16, 2013, 2:00 p.m. Telephone Conference with the parties and the Court regarding status of discovery;

31. June 3, 2013, 10:00 a.m. Telephone Conference with the parties and the Court regarding status of discovery;

32. July 1, 2013, 10:00 a.m. Telephone Conference with the parties and the Court regarding status of discovery;

33. July 19, 2013: Plaintiffs to serve Fed. R. Civ. P. 26(a)(2)(A) and (B) expert identification and written reports;

34. September 6, 2013: Defendants to serve Fed. R. Civ. P. 26(a)(2)(A) and (B) expert identification and written reports;

35. September 20, 2013: Plaintiffs to serve expert rebuttal reports as to Defendants' expert opinions on matters not previously addressed;

36. September 27, 2013: Expert depositions commence. Defendants to take depositions of Plaintiffs' experts between September 27 and October 22, 2013; Plaintiffs to take depositions of Defendants' experts between October 23 and November 15, 2013;

37. October 4, 2013: Defendants to serve expert rebuttal reports as to opinions in Plaintiffs' supplemental reports on matters not previously addressed;

38. October 18, 2013: Parties to submit proposed bellwether trial selections to the Court (parties to negotiate prior to this date, in consultation with the Court, regarding mechanism for selections);

39. November 15, 2013: End of all expert discovery.

SO ORDERED this 15th day of May, 2013.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE