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OCT 31 2017

RACHELLE L. HARZ
J.S.C.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

IN RE STRYKER LFIT CoCr V40
FEMORAL HEADS HIP IMPLANT
LITIGATION

CASE NO. 624
MASTER DOCKET NO.: BER-L-_____ - _____
CIVIL ACTION

FACT SHEET IMPLEMENTATION ORDER

I. APPLICABILITY OF THIS ORDER: This Order sets forth the procedures regarding the Plaintiff Fact Sheet ("PFS") and Defendant Fact Sheet ("DFS") process for this MCL Case No. 624 ("MCL No. 624"). This Order applies to all cases previously or hereafter filed or transferred to this MCL.

II. GENERAL PROVISIONS

1. The completed PFS and DFS shall be considered interrogatory answers pursuant to R. 4:17 and as responses to requests for production pursuant to R. 4:18 and will be governed by the standards applicable to written discovery under R. 4:10- to - 19. Individual plaintiffs and Defendant will exchange PFSs and DFSs in lieu of the form interrogatories required by R. 4:17:4. Each PFS and DFS must be substantially complete and shall be answered without objection. Any objections are preserved.

a. Each PFS and DFS shall be signed and dated by the responding party (or the proper representative of the responding party) under penalty of perjury; however, they need not be notarized.

b. This Order does not prohibit a party from withholding or redacting information based upon a recognized privilege. If a party withholds or redacts

any information on the basis of privilege, the responding party shall provide the receiving party with a privilege log. In the event that a dispute arises concerning the completeness or adequacy of a response to any request, this section shall not prohibit the responding party from asserting that the response is adequate.

c. To the extent the PFS and/or DFS requires the responding party to provide confidential documents or information, such disclosure will be governed by the Stipulated Protective Order entered by the Court in connection with MCL No. 624.

2. The PFS and DFS contain instructions and document demands in addition to the requirements set forth below.

3. Neither the PFS nor the DFS will be interpreted to limit the scope of inquiry at depositions nor will it affect whether evidence is admissible at trial. The scope of inquiry at depositions shall remain governed by the New Jersey Court Rules and the admissibility of information in either the PFS or the DFS shall be governed by the New Jersey Rules of Evidence. Objections to admissibility are not waived by virtue of the completion of either a PFS or DFS.

III. PLAINTIFF FACT SHEETS ("PFS")

1. The Court hereby approves with the consent of the parties the Plaintiff Fact Sheet ("PFS"), including the attached authorizations attached hereto as Exhibit A.

2. All plaintiffs in MCL No. 624, whether revised or unrevised, must complete and serve on Defendant's Counsel and Plaintiffs' Lead Counsel a PFS and properly executed authorizations as set forth in Exhibit A as follows:

a. **Timing of Service:**

- i. **For Plaintiffs with Currently Filed Cases:** Plaintiffs with cases filed in this MCL No. 624 as of the date of this Order will serve their PFS no later than sixty (60) days of this Order.
- ii. **For Plaintiffs with Cases Transferred or Filed After this Order:** Plaintiffs whose cases are transferred or who filed their cases *after* the date of this Order will serve their PFS no later than sixty (60) days of the date their case is transferred to or filed in this MCL. For the purpose of calculating deadlines for submitting the PFS and Authorizations, a case will be deemed transferred to the MCL either: (a) on the date the certified copy of the Transfer Order is entered in the docket of this Court, or, (b) if transfer is contested, a later date of transfer as ordered.

b. **Method of Service:**

- i. **Plaintiffs' Lead Counsel:** Service will be made by electronic mail at the following address:
 - i. ERelkin@weitzlux.com
- ii. **Defendant's Counsel:** Service will be made electronically through Defendant's FTP site, with copies emailed to Defendant's Counsel. A confirming email will be sent once the PFS has been successfully uploaded.

3. **Accuracy and Supplementation:** If a plaintiff or any representative of a plaintiff who completed the PFS learns at any time that any response is incomplete or incorrect, or if the provided information changes, that plaintiff or representative

must supplement the pertinent response(s) to provide the corrected or additional information within thirty (30) days of when he or she becomes aware of this information. For example, if an unrevised plaintiff later undergoes a revision surgery, then he/she must complete and serve an updated PFS and Authorizations for treatment related to the revision no later than thirty (30) days after the date of the revision surgery.

4. **Extensions of Time:** An individual plaintiff and Defendant may agree to an extension of the above-noted applicable time limits for service of the PFS. Plaintiffs' Lead Counsel must be copied on all extension requests. If the individual plaintiff and Defendant cannot agree on a reasonable extension of time to serve the PFS or supplemental PFS, then the party seeking the extension may apply to the Court for relief upon a showing of good cause.
5. **Failure to Serve PFS by the Required Deadline/Deficient Discovery:** In the event a plaintiff does not provide a completed PFS (including required attachments) by the above-noted deadlines or the agreed-upon extended deadline (if applicable); or if a plaintiff has failed to materially comply with his/her obligations under this Order, Defendant shall serve notice of the missed deadline and/or the material deficiency on the individual plaintiff's counsel and Plaintiffs' Lead Counsel (the "deficiency letter"). The deficiency letter shall identify the alleged material deficiency. If plaintiff fails to serve a completed PFS (including required attachments) and/or cure the noted material deficiency within thirty (30) days of the deficiency letter (unless otherwise agreed), Defendant may then move to dismiss plaintiff's case with prejudice.

IV. DEFENDANT FACT SHEETS ("DFS")

1. The Court hereby approves with the consent of the parties the Defendant Fact Sheet ("DFS") attached hereto as Exhibit B.

2. **Service:** For each Plaintiff in MCL No. 624 who has served a PFS and all authorizations, Defendant will serve a DFS as set forth in Exhibit B as follows:

a. **Timing of Service**

i. ***For Currently Filed Cases:*** For plaintiffs with cases filed in this MCL No. 624 as of the date of this Order, Defendant will serve a DFS on the individual plaintiff and Plaintiffs' Lead Counsel no later than ninety (90) days from the date of service of the completed PFS (including required attachments) on Defendant as set forth in Section III(2).

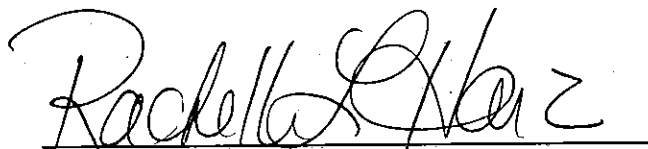
ii. ***For Cases Transferred or Filed After this Order:*** For plaintiffs whose cases are transferred or who filed their cases *after* the date of this Order, Defendant will serve a DFS on the individual plaintiff and Plaintiffs' Lead Counsel no later than ninety (90) days from the date of service of the completed PFS (including required attachments) on Defendant as set forth in Section III(2).

b. **Method of Service:** Defendant will serve the DFS by confidentially posting the DFS on Defendant's FTP. Notification that the DFS is available, together with any applicable instructions, will be sent via electronic mail to the individual plaintiff's counsel and Plaintiffs' Lead Counsel. The individual plaintiff's DFS will be available on the FTP for thirty (30) days from the notice to the individual plaintiff's counsel and Plaintiffs' Lead Counsel.

3. **Supplementation:** In connection with Section III(3) above, if a plaintiff supplements the PFS with information that materially changes the original DFS response in such a manner as to require a supplemental response, then Defendant will provide an updated DFS within ninety (90) days (unless otherwise agreed) of service of that plaintiff's updated PFS.
4. **Extensions of Time:** An individual plaintiff and Defendant may agree to an extension of the above-noted applicable time limits for service of the DFS. Plaintiffs' Lead Counsel must be copied on all extension requests. If the individual plaintiff and Defendant cannot agree on a reasonable extension of time to serve the DFS, then Defendant may apply to the Court for relief upon a showing of good cause.
5. **Failure to Serve DFS by the Required Deadline:** In the event Defendant does not provide a DFS by the above-noted deadlines or the agreed-upon extended deadline (if applicable), the plaintiff shall serve notice of the missed deadline on Defendant and Plaintiffs' Lead Counsel. Defendant must serve a completed DFS (to the extent possible) within thirty (30) days of the plaintiff's notice (unless otherwise agreed).

IT IS SO ORDERED:

Dated: October 31, 2017


Rachelle L. Harz, J.S.C.