

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

<p>IN RE: DEPUY ORTHOPAEDICS, INC. PINNACLE HIP IMPLANT PRODUCTS LIABILITY LITIGATION</p> <p>This Document Relates to: <i>Alicea</i> – 3:15-cv-03489-K <i>Barzel</i> – 3:16-cv-01245-K <i>Buonaiuto</i> – 3:14-cv-02750-K <i>Heroth</i> – 3:12-cv-04647-K <i>Kirschner</i> – 3:16-cv-01526-K <i>Miura</i> – 3:13-cv-04119-K <i>Stevens</i> – 3:14-cv-01776-K <i>Stevens</i> – 3:14-cv-02341-K</p>	<p>MDL Docket No.</p> <p>3:11-MD-2244-K</p>
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**Special Master’s Report Regarding Pretrial Matters for the Fourth Bellwether Trial**

On July 26, 2017, the Special Master conducted a telephonic pretrial conference with Plaintiffs’ counsel and Defendants’ counsel to prepare for the bellwether trial setting (MDL Doc. No. 789). The parties addressed amendment of the pretrial deadlines in the Court’s scheduling order dated November 8, 2016 (*Alicea* Doc. No. 6). The parties agreed to the following deadlines and procedures for pretrial and evidentiary issues:

1. The parties agreed to extend the deadline for the close of fact discovery and agreed that fact discovery would continue as needed until the date of trial.

2. The parties agreed to extend the deadline for filing dispositive motions to August 1, 2017, with responses due August 15, 2017, and replies due August 22, 2017.
3. The parties agreed to extend deadlines and adhere to a protocol for motions *in limine*. Under this procedure, the parties would exchange proposed motions *in limine* on August 14, 2017, identify points of agreement in the motions *in limine* on August 18, 2017, submit briefing to the court on contested motions *in limine* on August 25, 2017, and submit responses to contested motions *in limine* on September 1, 2017.
4. The parties agreed to exchange witness lists by August 18, 2017.
5. The parties agreed to extend deadlines for *Daubert* motions to August 18, 2017, with responses due on August 25, 2017. For experts who had not been deposed by August 11, 2017, the parties agreed any *Daubert* motion would be due seven days after the date of the expert's deposition, and any response due seven days after the motion was filed.
6. The deadline for filing any motion seeking to limit the testimony of any witness for any reason was extended to August 25, 2017, with responses due September 1, 2017.
7. The parties agreed to exchange exhibit lists and objections on August 21, 2017 and August 28, 2017, respectively. The parties further agreed to indicate on their exhibit lists whether the exhibit was offered and admitted

in the *Aoki* and *Andrews* bellwether trials. Finally, the parties agreed to address issues related to presentation of trial exhibits directly with the Court before the beginning of trial.

8. The parties agreed to file deposition designations with the Court seven days before the deposition is used in trial, with counter-designations due 48 hours later.
9. Finally, the parties discussed whether Defendants' counsel would accept service of subpoenas for satellite testimony on behalf of certain witnesses. Defendants' counsel agreed to accept service while preserving Defendants' opportunity to objection to the substance of the subpoenas.

Dated: September 18, 2017

Respectfully submitted,



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**COURT-APPOINTED  
SPECIAL MASTER**