

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
CHIEF JUDGE

U.S. COURTHOUSE
101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
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May 5, 2017

MEMORANDUM TO COUNSEL RE:

*In re: Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant
Products Liability Litigation, MDL 17-md-2775*

Dear Counsel:

I have scheduled an initial organizational meeting on **May 25, 2017**, beginning at **10:30 a.m.** in Courtroom 7D. Counsel should arrive 15 minutes early to check in with the courtroom deputy (CRD) and provide a business card to the CRD and court reporter.

It is my understanding from Robert Jenner's letter of April 17, 2017, that he may wish to propose a structure for the organization of plaintiffs' counsel. If so, I would be happy to receive that proposal (no more than five pages) in advance of the meeting. It should address the need for liaison counsel in addition to lead counsel, the need for a plaintiffs' steering committee, the proposed fee and compensation structure, and the need for liaison counsel as to related state cases. Of course, other counsel may file similar proposals if they choose to do so. The deadline for filing is **May 19, 2017**.

It also would be helpful to receive by **May 19, 2017**, a summary of the procedural setting of these various cases, as I understand some are very recently filed and others are already well into discovery. The timing of any motions that need to be resolved in the newer cases, a plan for discovery that avoids duplication to the extent possible but does not unduly delay the continued progress of the cases where discovery is underway, and a plan for mediation, are among the topics I would like to discuss at the initial meeting. One such summary from each side, indicating areas of agreement, is preferred (no more than 10 pages). These documents will not be binding, will not waive claims or defenses, and may not be offered in evidence against a party in later proceedings. I ask Robert Jenner to take the lead for plaintiffs' summary, and Sara Gourley to do so for defendants' summary.

Each party represented by counsel shall appear at the initial conference through his or her attorney, who will have primary responsibility for the party's interest in this litigation. To minimize costs and facilitate a manageable conference, however, parties with similar interests may agree to have an attending attorney represent their interest at the conference. A party will not, by so designating an attorney to represent his/her interests at the conference, be precluded from other representation during the litigation. Attendance at the conference will not waive objections to jurisdiction, venue, or service.

I look forward to meeting with you.

Sincerely yours,

/S/

Catherine C. Blake
Chief Judge

cc: Robert K. Jenner, Esquire
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