

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
DISTRICT JUDGE

U.S. COURTHOUSE
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February 13, 2020

MEMO TO COUNSEL

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

Dear Counsel:

This will confirm the results of our status conference calls on February 5, 2020, and February 12, 2020.

It appears that, despite counsels' best efforts, it will not be possible to complete Core Discovery as to the 17 BHR Track Discovery Pool cases, or even a majority of them, by March 2, 2020, as contemplated in CMO 14 and CMO 15. In order to preserve the purpose of CMO 14 in providing a sufficient number of BHR Track Discovery Pool cases from which both sides can make an informed choice of BHR Track Trial Pool cases, it will be necessary to extend the deadlines and postpone the first anticipated trial from November 2, 2020, to January 11, 2021. Counsel will confer and propose a revised schedule by February 19, 2020.¹

In addition, there is a discovery dispute involving the assertion of attorney-client privilege. The plaintiffs' motion to compel is due February 14, 2020; the defendants' response is due February 21, 2020; and the plaintiffs' reply is due February 26, 2020.

The monthly in-person status conference is set for February 26, 2020. Counsel will meet in chambers at 9:00 a.m., and in court at 9:30 a.m. An agenda is due February 24, 2020.²

Despite the informal nature of this ruling, it shall constitute an Order of Court, and the Clerk is directed to docket it accordingly.

Sincerely yours,

/s/ 

Catherine C. Blake
United States District Judge

¹ The THA Track dates also will need to be adjusted.

² If counsel prefer to meet by telephone conference call, you may advise chambers.