

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
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May 12, 2020

MEMORANDUM 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 telephone conference yesterday. Counsel expect to provide me with a proposed amended version of CMO 16 by Friday, May 15, 2020. I understand that the parties may not be able to agree on all issues by then.

We will resume holding status conferences the fourth Wednesday of each month. The next status conference will be May 27, 2020. There will be a 9:00 a.m. conference call, followed by a 9:45 a.m. recorded conference call via Zoom. By May 21, 2020, the parties will complete briefing on the legal issues related to the proposed remote depositions, and the plaintiffs will provide me with a proposed remote deposition protocol. The parties will also file a proposed agenda for the May 27 status conference by noon on May 22, 2020.

The June status conference will take place on June 24, 2020. Smith & Nephew will resume the show cause process, per CMO 13, for the June status conference.

We will also resume the interim discovery calls, to take place the second Wednesday afternoon of each month. The next discovery call will be on June 10, 2020 at 4:00 p.m.

The parties have been unable to agree on the letter to surgeons regarding *ex parte* contacts, (see ECF Nos. 2123 and 2124), and have each given me a proposed letter. I will combine the two versions and send out a revised proposed letter to the parties shortly.

Smith & Nephew will resume filing updated listings of pending cases. Additionally, the parties will send me a revised letter to state court judges and an updated list of pending state court cases.

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