

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE: SMITH & NEPHEW BIRMINGHAM *
HIP RESURFACING (BHR) HIP
IMPLANT PRODUCTS LIABILITY
LITIGATION

MDL No. 2775
Master Docket No. 1:17-md-2775

* JUDGE CATHERINE C. BLAKE

* THIS DOCUMENT RELATES TO
THE BHR TRACK ACTIONS
ONLY

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ORDER

For the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** that:

1. The defendant's motion to dismiss claims as time-barred (ECF No. 795) is **GRANTED** in part and **DENIED** in part;
2. The defendant's motion is **GRANTED** as to the following cases: *Stafford v. Smith & Nephew*, CCB-18-708, *Britt v. Smith & Nephew*, CCB-17-3421, *Aaron v. Smith & Nephew*, CCB-17-3503, and *Morgan v. Smith & Nephew*, CCB-17-3377; *Botkin v. Smith & Nephew*, CCB-17-2606; *Carrera v. Smith & Nephew*, CCB-17-3544; *Kinghorn et al. v. Smith & Nephew*, CCB-17-2653; *McLaughlin v. Smith & Nephew*, CCB-17-2657; *Aitcheson v. Smith & Nephew*, CCB-18-252; *Durdon et al. v. Smith & Nephew*, CCB-17-2612; *McCormick v. Smith & Nephew*, CCB-17-2814; *Palmquist v. Smith & Nephew*, CCB-17-2682.
3. The defendant's motion is **GRANTED** as to the claims raised, except the breach of warranty claims, in the following cases: *Maize v. Smith & Nephew*, CCB-17-2388; *Colon v. Smith & Nephew*, CCB-18-1080; *Cotten v. Smith & Nephew*, CCB-17-2542; *DeJohn v. Smith & Nephew*, CCB-18-1080.

Nephew, CCB-18-275; *Leung et al. v. Smith & Nephew*, CCB-17-2508; *Parrish v. Smith & Nephew*, CCB-17-2682.

4. The defendant's motion is **DENIED** without prejudice as to cases arising in California, and the plaintiffs are granted leave to amend;
5. The defendant's motion is **DENIED** as to all other cases; and
6. The Clerk shall **SEND** a copy of this Order and the accompanying Memorandum to counsel of record.

11/19/18

Date

CCB

Catherine C. Blake
United States District Judge