

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(BALTIMORE DIVISION)**

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 ALL BHR AND THA TRACK CASES
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ORDER

Upon consideration of Plaintiffs' motion to compel discovery and for sanctions (ECF 2255), and all responses and replies thereto (ECF 2282, 2293, 2296), as well as the arguments made by counsel in the September 23, 2020, hearing (ECF 2299), it is hereby Ordered that:

1. The deposition of Dr. Peter Heeckt, currently scheduled for October 20, 2020, shall be LIMITED to seven hours;
2. The Plaintiffs shall EXAMINE Dr. Heeckt first, for up to four hours, and may reserve a portion of their deposition time until after defense counsel has examined Dr. Heeckt;
3. Smith & Nephew shall EXAMINE Dr. Heeckt second, for up to three hours;
4. Smith & Nephew shall PROVIDE for in camera review on or before October 2, 2020, a full unredacted version and a redacted version of the "FYI, Concerns in Memphis" email referenced in Plaintiffs' first request in their motion to compel (ECF 2255), together with a brief comment explaining why the information redacted is privileged;
5. Counsel may SUBMIT a specific request to Dr. Heeckt to produce to the Plaintiffs by October 13, 2020, if possible, a copy of any of the performance reviews, severance

agreements, or any other items in his possession referenced in Plaintiffs' second and fourth requests in their motion to compel (ECF 2255);

6. To the extent Plaintiffs seek additional information concerning the reorganization of Smith & Nephew personnel as described in their fifth and sixth requests in the motion to compel (ECF 2255), Plaintiffs are directed to CONFER with Smith & Nephew to craft a targeted request for production of a narrow range of documents relating to the relationship between Dr. Heeckt and the reorganization; and
7. Smith & Nephew shall RESPOND to such a request for documents relating to the relationship between Dr. Heeckt and the reorganization on or before October 13, 2020.

Plaintiffs' motion to compel and for sanctions (ECF 2255) will be more fully addressed at a later date.

Date

/s/
Catherine C. Blake
United States District Judge