

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
CATHERINE C. BLAKE
DISTRICT JUDGE

U.S. COURTHOUSE
101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-3220
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January 9, 2019

MEMO TO COUNSEL

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

Dear Counsel:

This will confirm the result of our status conference and hearing on December 19, 2018.

Smith & Nephew has filed a motion for protective order relating to a 30(b)(6) deposition (ECF No. 1246). The plaintiffs plan to respond by January 11, 2019. The defendant's reply will not be due until a date to be set, which will be after January 30, 2019.

Motions for Relief were filed by plaintiffs Bohman (ECF No. 148 in 18-740) and Cox (ECF No. 193 in 18-326). After argument, the motions were granted in part and denied in part. Plaintiffs Bohman and Cox will be required to file short form complaints, and their claims against Smith & Nephew plc will remain stayed, but their right to proceed against the plc if necessary, at an appropriate time, will be preserved. Counsel were requested to confer and provide a proposed order consistent with this ruling.

The issue of attorney-client privilege and/or work product protection for certain items on a privilege log was discussed. Smith & Nephew will advise the court and counsel by January 11, 2019, whether any of the redacted information, e.g., in the affidavit(s) supporting the claim of privilege, can be disclosed to plaintiffs' counsel, and also provide an additional description of the length and format of the documents in question.

It was agreed that amended short form complaints in the California cases will be filed by January 22, 2019.

Finally, oral argument on the defendant's motion to dismiss the THA track cases (ECF No. 1173) remains scheduled for January 30, 2019, in Courtroom 7D, to be followed later in the day by a meeting of the parties with the special mediator, John W. Perry, Jr.

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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