

UNITED STATES DISTRICT COURT  
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  
THA TRACK CASES**


**ORDER REGARDING RESPONSES TO THA COMPLAINTS**

The parties hereby submit this Stipulated Order regarding responses to THA Complaints either direct filed in this MDL or transferred to this MDL.

1. As used herein, THA Complaints refer to actions brought by any U.S. citizen or resident against Smith & Nephew, Inc. alleging injury from a Birmingham Hip Resurfacing (BHR) component as part of a total hip replacement construct. In light of the JPML's January 31, 2018 Transfer Order, the parties agree that cases involving the R3 acetabular shell and metal liner, which were PMA-approved as part of the BHR system, should also be included in this MDL, and if transferred to or direct filed in this MDL should be considered a "THA Complaint."

2. All responses by Smith & Nephew to any THA Complaint either direct filed in this MDL or transferred to this MDL prior to or after the date of this Order shall be deferred pending further Order of this Court, without prejudice to Smith & Nephew to answer or move to dismiss on such schedule as the Court may later determine.

IT IS SO ORDERED, this 3<sup>d</sup> day of May 2018.

  
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HON. CATHERINE C. BLAKE  
UNITED STATES DISTRICT JUDGE