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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. [15-mc-80259-JSC](#)

IN RE: DEPUY ORTHOPAEDICS, INC.
PINNACLE HIP IMPLANT PRODUCTS
LIABILITY LITIGATION

ORDER VACATING HEARING

THIS DOCUMENT RELATES TO:
ALL CASES

The hearing on the motion of non-parties Cardno Chemrisk, LLC and Dennis J. Paustenbach for a protective order scheduled for December 10, 2015 is vacated pending the MDL’s ruling on Plaintiffs’ proposed order. While the Court has considered the non-parties’ response filed November 30, 2015, the Court prefers to rule on the question of whether to transfer the motion to the MDL court after the MDL court has ruled. While the MDL court’s signing of the proposed order is not dispositive of the “extraordinary circumstances” question, in the Court’s view the MDL court’s refusal to sign the proposed order would mandate that this Court decide the pending motion. Accordingly, the December 10, 2015 hearing is VACATED and shall be rescheduled upon the MDL court’s action on the proposed order.

Given that the discovery sought of the non-parties is stayed until this Court rules on the pending motion, the non-parties are not prejudiced by this delay. Plaintiffs are likewise not prejudiced given that they filed the proposed order and asked this Court to consider it. If at some point Plaintiffs do not want any further delay, they may so notify the Court and the parties and the Court will forthwith reschedule the pending motion for hearing. Plaintiffs are directed to notify the

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Court within three business days of the MDL court ruling on the proposed order.

IT IS SO ORDERED.

Dated: December 7, 2015


JACQUELINE SCOTT CORLEY
United States Magistrate Judge