

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

STRYKER CORPORATION, *et al.*,

Plaintiffs,

v.

File No. 4:01-CV-157  
(“*Stryker I*”)

XL INSURANCE AMERICA, INC.,

Defendant.

HON. ROBERT HOLMES BELL

and

STRYKER CORPORATION, *et al.*,

Plaintiffs,

v.

File No. 1:05-CV-51  
(“*StrykerII*”)

XL INSURANCE AMERICA, INC. and  
TIG INSURANCE COMPANY,

Defendants.

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**ORDER APPROVING AND ADOPTING  
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

On April 22, 2013, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”) (*Stryker I*, Dkt. No. 1210; *Stryker II*, Dkt. No. 316) with recommendations concerning the remaining issues in *Stryker I*. No objections have been filed, and the deadline for doing so has expired. The Court has reviewed the R&R and

concludes that it correctly analyzes the issues and makes sound recommendations.

Accordingly,

**IT IS HEREBY ORDERED** that the Magistrate Judge's April 22, 2013, R&R (*Stryker I*, Dkt. No. 1210; *Stryker II*, Dkt. No. 316) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Stryker's motion to add TIG as a party to *Stryker I* (*Stryker I*, Dkt. No. 1147) is **DENIED**.

**IT IS FURTHER ORDERED** that Stryker's request to insert a contingent claim for consequential damages/ bad faith settlement against XL into *Stryker I* (*See* Dkt. No. 1206, Jt. Status Rpt. 2-4) is **DENIED**.

**IT IS FURTHER ORDERED** that Stryker's motion to execute on supersedeas bond (Dkt. No. 1145) is **DISMISSED** without prejudice pursuant to Stryker's notice of withdrawal in the Joint Status Report. (*See* Dkt. No. 1206, Jt. Status Rpt. 4.)

**IT IS FURTHER ORDERED** that no other issues remain outstanding in *Stryker I*.

**IT IS FURTHER ORDERED** that the parties shall draft and submit, on or before May 31, 2013, a joint proposed judgment in *Stryker I* incorporating the Court's post-remand orders.

Dated: May 16, 2013

/s/ Robert Holmes Bell  
ROBERT HOLMES BELL  
UNITED STATES DISTRICT JUDGE