

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARY BAYES, et al.,)
)
 Plaintiffs,)
)
 vs.) Case No. 4:13 CV 800 RWS
)
 BIOMET, INC., et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This case has been conditionally remanded by the Judicial Panel on Multidistrict Litigation and is before me on my review of the file. No attorneys of record appear on this Court’s docket sheet as representing defendants in this case, and no responsive pleadings were filed by defendants before this case was transferred to the MDL court back in 2013. Given that this case was litigated in the MDL court for five years before being remanded, defendants most certainly have counsel of record and have filed responsive and other pleadings in the MDL case. However, this Court has no way of knowing who represents defendants absent an entry of appearance being filed with this Court.

Accordingly,


IT IS HEREBY ORDERED that **this case is set for a status conference on Thursday, November 1, 2018 at 2:30 p.m. in the chambers of the undersigned.**

IT IS FURTHER ORDERED that, by **October 23, 2018**, the parties shall file a joint memorandum with this Court which sets forth a statement of the case, the procedural background of the MDL, and the current status of the litigation. This joint memorandum shall also identify all significant rulings from the MDL court, explain their significance to the MDL case and the instant case, and attach copies of all these orders as exhibits for this Court's review. All other relevant pleadings, including any amended complaints and answers filed by defendants, shall also be identified and attached as exhibits. Finally, the joint memorandum shall set out a proposed schedule for the remainder of this case, identifying whether any remaining discovery needs to be conducted and whether any expert or dispositive motions will be filed prior to trial. If any motions will be filed, the joint memorandum shall set out the expected nature and basis of the motions and include an explanation as to whether the issues were addressed by the MDL court. Any rulings by the MDL court on these issues, whether or not specifically applicable to this case, shall also be included as exhibits to the joint memorandum. Finally, the parties shall also file a copy of any suggestion of remand order filed with the JPML court.

IT IS FURTHER ORDERED that **plaintiffs are required to serve a copy of this Memorandum and Order on defense counsel if said counsel are known to plaintiffs. Plaintiffs shall file a Memorandum of Compliance with this Court one (1) day after service indicating compliance with this Memorandum and**

Order and identifying the names, addresses, and law firms of attorneys so notified, or advising the Court that they were unable to comply as defense counsel is unknown to plaintiffs. If defense counsel is unknown to plaintiffs, then plaintiffs should provide the relevant information for any defense counsel that may have represented these defendants in the MDL action.

IT IS HEREBY ORDERED that **within five (5) days of the date of this Memorandum and Order being served upon defendants, defense counsel shall file entries of appearance with this Court.**



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 1st day of October, 2018.