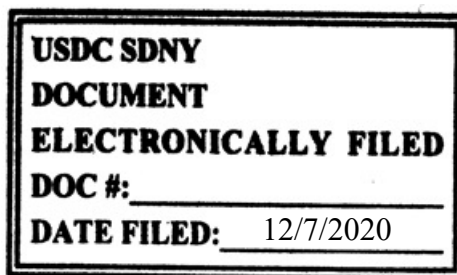


**BARNES & THORNBURG** LLP

J.T. Larson  
317-231-7729  
Jt.larson@btlaw.com

11 South Meridian Street  
Indianapolis, IN 46204-3535 U.S.A.  
(317) 236-1313  
Fax (317) 231-7433

www.btlaw.com



December 7, 2020

*Via Electronic Court Filing*

Honorable Stewart D. Aaron, U.S.M.J.  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: *DePuy's Request to Clarify Briefing Schedule on Plaintiffs' Motion [Dkt. 244]***

Dear Judge Aaron:

DePuy Orthopaedics, Inc. ("DePuy") (now known as Medical Device Business Services, Inc.), pursuant to this Court's local rules and Your Honor's individual rules of practice, respectfully writes to the Court to clarify its deadline to oppose *Plaintiffs' Motion to Alter, Amend, or Set Aside the Court's November 24, 2020 Order Pursuant to Federal Rule of Civil Procedure 59(e)* [Dkt. 244.]

Pursuant to Local Rule 6.1 (a) and (b), oppositions to discovery motions filed under Rules 26-37 and 45(d)(3) shall be filed within 7 days (*see* subsection 6.1(a)), and oppositions to all other motions are to be served within 14 days (*see* subsection 6.1(b)). Since Plaintiffs' Motion explicitly relies on Rule 59 but concerns discovery issues, DePuy requests that the Court clarify that Local Rule 6.1(b) applies and set the following briefing schedule: DePuy's Opposition shall be due on December 18, 2020 and Plaintiffs' Reply shall be due on December 28, 2020.

Very truly yours,

/s/ J.T. Larson

J.T. Larson

cc: Joseph G. Eaton, Esq.  
Paul Asfendis, Esq.  
Andre Rouviere, Esq.

ENDORSEMENT: Local Civil Rule 6.3, which is applicable to motions for reconsideration, states: "The time periods for the service of answering and reply memoranda, if any, shall be governed by Local Civil Rule 6.1(a) or (b), as in the case of the original motion." Here, since the original motion was discovery-related, the time period under Local Civil Rule 6.1(a) shall apply, such that answering papers are due within seven days and reply papers are due two days thereafter. The parties of course may consent to a modification of this schedule, or seek an extension of time for good cause shown. SO ORDERED.

Dated: 12/7/2020