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September 23, 2021

VIA ECF

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

Re: Rouviere v. DePuy Orthopaedics, et al.
Civil Action No. 1:18-cv-4814 (LJL-SDA)

Dear Judge Aaron:

We represent Defendant Howmedica Osteonics Corp. (“HOC”) in the above-referenced action. Following the recent Order dismissing Defendant DePuy Orthopaedics from the litigation, we have conferred with Plaintiffs and the parties jointly request that the Court reset deadlines for remaining expert discovery.

As the Court may recall, the only remaining discovery pertains to engineering experts. On January 8, 2021, with Plaintiffs’ objections/appeal pending with regard to Dr. Jarrell’s full report against DePuy Orthopaedics, the Court granted HOC’s request that the deposition of Plaintiffs’ engineering expert, Dr. Jarrell, be scheduled for ten (10) days after a ruling on Plaintiffs’ motion. (ECF No. 275) Last Friday, September 17, 2021, Judge Liman issued an Order affirming the striking of Dr. Jarrell’s opinions against DePuy and granting DePuy’s summary judgment motion, dismissing DePuy from the case.

Counsel for HOC and Plaintiffs have communicated by email and phone this week, beginning on Monday, September 20th, to discuss scheduling of Dr. Jarrell’s deposition. Plaintiffs’ counsel is ascertaining the availability of Dr. Jarrell for deposition and the parties anticipate scheduling that deposition of Dr. Jarrell in October 2021.

For these reasons, the parties respectfully request that the Court reset the deadline to take Dr. Jarrell’s deposition and the remaining deadlines which flow from that deposition as follows:

Deposition of Dr. Jarrell: On or before October 27, 2021

HOC expert disclosure to
address Dr. Jarrell’s opinions: 30 days from deposition of Dr. Jarrell

Deadline to depose HOC's engineering expert: 30 days from service of HOC's engineering expert report

After expert discovery is completed, HOC requests a phone conference with the parties and the Court to discuss a schedule for motion practice. We thank the Court for its consideration of this request.

Respectfully submitted,

s/Paul E. Asfendis
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cc: All counsel of record via ECF

Joint request GRANTED: the parties' proposed expert discovery schedule is ADOPTED.
HOC's request for a phone conference is DENIED WITHOUT PREJUDICE. After expert discovery is complete, the parties should contact Judge Liman regarding a schedule for motion practice.
SO ORDERED.

Dated: September 24, 2021

