

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 IN RE: ZIMMER M/L TAPER HIP :
 PROSTHESIS OR M/L TAPER : MDL NO. 2859
 HIP PROSTHESIS WITH KINECTIV :
 TECHNOLOGY AND : 18-MD-2859 (PAC)
 VERSYS FEMORAL HEAD PRODUCTS : 18-MC-2859 (PAC)
 LIABILITY LITIGATION :
 : **ORDER NO. 43**
 This Document Relates to All Cases :
 -----X

Regarding Time for the Depositions of Certain Witnesses

Plaintiffs Executive Committee (“PEC”) and Defendant Zimmer (“Defendant,” “Zimmer”) submitted a letter to the Court dated May 29, 2020, ahead of a teleconference¹ held on June 2 in this multi-district litigation (“MDL”). Dkt. 267, at 1. They informed the Court that they would be prepared to discuss a dispute over “additional time for certain witness depositions.” Id. at 2. At the June 2 Conference, the PEC stated that it wants additional time for three witnesses beyond the seven hours allowed for a deposition without a stipulation or an order from the Court. See Fed. R. Civ. P. 30(d)(1); Tr., June 2 Teleconf., at 7:9–8:1.

Specifically, the PEC asks for 17 hours each for the depositions of Justin Hertzler and Steve Meulink, who will be deposed both in their individual capacities and as Rule 30(b)(6) witnesses, and 10 hours for Erin Osborn, who will be deposed only as an individual. Id. at 3:21–4:19. Zimmer opposes the request as “unreasonable on its face.” Id. at 9:7–10. The Court ordered the Parties to meet and confer on the issue. Id. at 11:19–12:3. The Parties informed the Court by email on June 4 that they could not agree on the amount of time needed for the three witnesses.

¹ The conference was held by telephone due to the ongoing COVID-19 pandemic.

The Court will allow the PEC 10 total hours each for the depositions of Hertzler and Meulink, to be divided between the witnesses' individual and Rule 30(b)(6) capacities as the PEC sees fit. The PEC will have seven total hours to depose Osborn.

Dated: New York, New York
June 8, 2020

SO ORDERED



PAUL A. CROTTY
United States District Judge