

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY
LITIGATION

22-MD-3044 (NGG) (MMH)

This Document Applies to: ALL CASES

NICHOLAS G. GARAUFGIS, United States District Judge.

BELLWETHER TRIAL CASE MANAGEMENT ORDER NO. 3:

Pursuant to the court's April 19, 2024 Bellwether Trial Case Management Order No. 2 (Dkt. 590), the parties conferred and submitted the plaintiff David Caputo, 23-CV-1896 as a consensus choice for bellwether plaintiff from the National Pool. (See Dkt. 599.) The court selects Plaintiff David Caputo to be the plaintiff for Bellwether Trial No. 4.

The court previously set Bellwether Trial No. 1 for June 2025 and Bellwether Trial No. 2 for August 2025. (See Case Management Order for Bellwether Trials (Dkt. 521).) The discovery schedule for Bellwether Trial Nos. 1 and 2 are unchanged. In light of the Parties' joint request to amend the discovery schedule for Bellwether Trial Nos. 3 and 4, (see Bellwether Discovery Letter (Dkt. 603)), the court sets the trial dates for the remaining bellwether trials and amends the Case Management Order for Bellwether Trials and the Bellwether Trial Case Management Order No. 2 as follows:

Bellwether Trial No. 3 (Dana Kessler Kramer):

- Core Depositions: October 30, 2024
- Plaintiff Expert Report: January 31, 2025
- Defendant Expert Report: March 31, 2025
- Rebuttal Expert Reports: April 15, 2025
- Plaintiff Expert Depositions: May 15, 2025
- Defendant Expert Depositions: June 13, 2025

- Pre-trial Motions
 - Motion: June 27, 2025
 - Opposition: July 25, 2025
 - Reply: August 8, 2025
- Jury Selection: October 20, 2025

Bellwether Trial No. 4 (David Caputo):

- Core Depositions: January 31, 2025
- Plaintiff Expert Report: April 30, 2025
- Defendant Expert Report: June 30, 2025
- Rebuttal Expert Reports: July 15, 2025
- Plaintiff Expert Depositions: August 15, 2025
- Defendant Expert Depositions: September 15, 2025
- Pre-trial Motions
 - Motion: September 29, 2025
 - Opposition: October 27, 2025
 - Reply: November 10, 2025
- Jury Selection: January 12, 2026

SO ORDERED.

Dated: May 21, 2024
Brooklyn, New York

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge