

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

JO ANNE DEARBORN, SHIRLEY TOBIAN,)
and EARL PLYLER,)

Plaintiffs,)

v.)

Case No.: CACE-15-012881 (26)

ORTHOPEDECS, INC., JAMES H. BARR;)
BIOMET, INC.; BIOMET ORTHOPEDICS, LLC;)
BIOMET U.S. RECONSTRUCTION, LLC; and)
BIOMET MANUFACTURING, LLC.)

Complex Division

Defendants.)

~~PROPOSED~~ ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF MYBIOMET AND TEAMBIOMET DOCUMENTS AND FILES


THIS MATTER came before the Court at a specially set hearing on December 18, 2017 (the "Hearing") on Plaintiffs' Motion to Compel Production of TeamBiomet and MyBiomet Documents and Files and Memorandum in Support filed in this action on December 4, 2017 (the "Motion" and "Memorandum"), and the Court having reviewed the Motion and Memorandum, having reviewed Defendants' Response Brief in Opposition to the Motion and Memorandum filed in this action on December 14, 2017, having heard argument of counsel for the parties, and having been fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that:

1. Plaintiffs' Motion is GRANTED IN PART, as follows:
2. Defendants shall identify to Plaintiffs by Bates number the documents and/or files previously produced in the above-styled litigation or in the Biomet litigation pending in the Twelfth Judicial Circuit in and for Sarasota County, Florida (the "Sarasota Litigation"), or in discovery from MDL No. 2391, which are responsive to the

underlying August 2, 2017 Request for Production (the "Request"), including the documents and/or files listed in Plaintiffs' November 16 email, within 15 days from the date of the Hearing.

3. Defendants shall produce to Plaintiffs the audio and/or video files previously unproduced to Plaintiffs that are responsive to the Request within 30 days from the date of the Hearing.
4. Defendants shall provide an explanation to Plaintiffs of their **additional attempts to locate the remaining responsive documents and/or files to the Request within 30 days from the date of the Hearing.**
5. The Parties shall meet and confer no later than two weeks following receipt of Defendants' explanation as required by paragraph 4 to address documents and/or files responsive to the Request that were or were not located and attempt to resolve any issues regarding such documents and/or files prior to ^{bringing out} ~~bring~~ the matter back before the Court, if at all.

DONE AND ORDERED at Fort Lauderdale, Florida, on this 11 day of January, 2018.


PATTI ENGLANDER HENNING
CIRCUIT JUDGE
COMPLEX CIVIL DIVISION

Copies furnished to counsel of record

A TRUE COPY