

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: ZIMMER NexGen KNEE IMPLANT  
PRODUCTS LIABILITY LITIGATION**

Gene Wernette, et al. v. Zimmer, Inc., et al.,                    )  
W.D. Missouri, C.A. No. 6:12-03109

MDL No. 2272

**ORDER VACATING CONDITIONAL TRANSFER ORDER**

**Before the Panel:**\* Pursuant to Panel Rule 7.1, defendant Zimmer entities<sup>1</sup> (Zimmer) move to vacate our order conditionally transferring this action (*Wernette*) to MDL No. 2272. The *Wernette* plaintiffs did not submit a response to Zimmer’s motion.

After considering all argument of counsel, we conclude that inclusion of *Wernette* in MDL No. 2272 would not necessarily serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation at the present time. Zimmer asserts, without contradiction, that the action involves Zimmer knee replacement components outside the defined scope of the MDL – specifically, non-“flex” or standard NexGen LPS femoral components. As Zimmer correctly notes, the briefing and oral argument with respect to the initial Section 1407 motion in this docket focused on two types of products from the NexGen System – the NexGen flex femoral components and the NexGen MIS Tibial component. *See In re: Zimmer NexGen Knee Implant Prods. Liab. Litig.*, 802 F. Supp. 2d 1374, 1376 (J.P.M.L. 2011) (identifying the components at issue as “Zimmer’s “high-flex” [NexGen] femoral components (*i.e.*, the Cruciate Retaining (CR) and Legacy Posterior Stabilized (LPS) components, and the “Gender Solutions” versions thereof) and/or the MIS Tibial component”).

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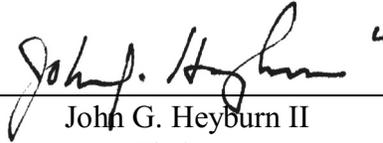
\* Judge Kathryn H. Vratil took no part in the decision of this matter.

<sup>1</sup> Zimmer, Inc., Zimmer Holdings, Inc., Zimmer Production, Inc., and Zimmer US, Inc.

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IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-56" is vacated insofar as it relates to this action.

PANEL ON MULTIDISTRICT LITIGATION



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John G. Heyburn II  
Chairman

W. Royal Furgeson, Jr.  
Paul J. Barbadoro  
Charles R. Breyer

Barbara S. Jones  
Marjorie O. Rendell