

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MDL No. 2272

ORDER VACATING CONDITIONAL TRANSFER ORDERS

Before the Panel: Pursuant to Panel Rule 7.1, Zimmer defendants¹ (Zimmer) move to vacate our orders conditionally transferring the two actions (*Cruz* and *Brizendine*) listed on the attached Schedule A to the Northern District of Illinois for inclusion in MDL No. 2272. The *Cruz* and *Brizendine* plaintiffs did not respond to Zimmer’s motions.

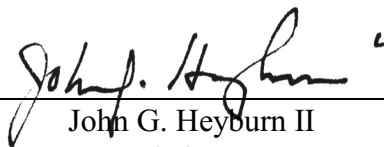
In our order centralizing this litigation, we found that the subject actions “share[d] factual issues arising from allegations that Zimmer’s ‘high-flex’ femoral components (*i.e.*, the Cruciate Retaining (CR) and Legacy Posterior Stabilized (LPS) components, and the ‘Gender Solutions’ versions thereof) and/or the MIS Tibial component—all of which are used in knee replacement surgery—are prone to premature loosening, causing affected individuals pain and loss of movement, and often forcing them to undergo revision surgery.” *In re: Zimmer NexGen Knee Implant Prods. Liab. Litig.*, 802 F. Supp. 2d 1374, 1376 (J.P.M.L. 2011) (footnote omitted). We further found that the subject actions “also raise[d] factual issues as to whether the aforementioned high-flex components actually provide an individual with any increase in flexion.” *Id.* Here, Zimmer asserts, without contradiction, that the *Cruz* and *Brizendine* actions involve non-“flex” or standard NexGen LPS femoral components. We are accordingly persuaded that transfer of these actions is not warranted.

¹ Zimmer, Inc., Zimmer Holdings, Inc., and Zimmer Surgical, Inc.

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IT IS THEREFORE ORDERED that the Panel's conditional transfer orders designated as "CTO-235" and "CTO-245" are vacated insofar as they relate to these actions.

PANEL ON MULTIDISTRICT LITIGATION

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John G. Heyburn II
Chairman

Marjorie O. Rendell
Lewis A. Kaplan
Ellen Segal Huvelle

Charles R. Breyer
Sarah S. Vance
R. David Proctor

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

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SCHEDULE A

District of Maryland

CRUZ v. ZIMMER, INC., ET AL., C.A. No. 1:14-00806

Eastern District of Texas

BRIZENDINE, ET AL. v. ZIMMER, INC., ET AL., C.A. No. 1:14-00035