

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - LAW DIVISION

IN RE DEPUY ASR HIP )  
LITIGATION )  
----- ) Case No. 10 L 10506  
APPLICABLE TO ALL COOK )  
COUNTY CASES )

TRANSCRIPT OF PROCEEDINGS had in the  
above-entitled cause in Courtroom 2404 of the  
Richard J. Daley Center, on November 25, 2013,  
commencing at 9:08 a.m.

BEFORE: HONORABLE DEBORAH M. DOOLING

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19 ALSO PRESENT:

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21 JEFF GASTER, Law Clerk for Judge Dooling

22

23

24 REPORTED BY:

CORINNE T. MARUT, C.S.R. No. 84-1968

1 THE COURT: Good morning. First we are going  
2 to handle the In Re DePuy cases. Present in front  
3 of the Court are?

4 MS. SHARKO: Susan Sharko from Drinker Biddle  
5 for the Defense.

6 MR. SUDZUS: David Sudzus also from Drinker  
7 Biddle for Defense.

8 MR. FLOWERS: Pete Flowers on behalf of the  
9 Plaintiffs.

10 THE COURT: Okay. What would you like to tell  
11 the Court, ladies and gentlemen.

12 MR. FLOWERS: I think we will start with  
13 Mr. Sudzus, status of the litigation, as he has  
14 written here.

15 MR. SUDZUS: Your Honor, what we did, as we  
16 generally do, is we submitted just a list of  
17 pending cases that we are aware of at the end of  
18 last week and currently there is 367 pending cases  
19 before you.

20 With respect to the general status of  
21 those cases and everything else, I think Item No. 2  
22 on the agenda is probably more relevant than any  
23 activity in any individual case. So, with that, I  
24 will turn it over to Mr. Flowers and Ms. Sharko.

1 THE COURT: One second. Okay. Whenever you  
2 are ready.

3 MS. SHARKO: On November 19 we announced the  
4 U.S. settlement program. Your Honor participated  
5 by video in the hearing with the federal judge and  
6 the other state court judges. We are very grateful  
7 for the time and assistance you gave us in helping  
8 put this program together and we are now in the  
9 process of getting it up and running.

10 THE COURT: Okay.

11 MR. FLOWERS: And, your Honor, as you're  
12 aware, there is a website that actually defines a  
13 lot of the parameters of the program.

14 It's a private program. It's  
15 essentially an opt-in program that involves anyone  
16 that's been revised as of August 31 of 2013.  
17 Unrevised people and people that were revised  
18 subsequent to that do not qualify, and we will  
19 continue to press their situations forward.

20 The website, which is  
21 [www.ASRhipsettlement.com](http://www.ASRhipsettlement.com), sets forth all the  
22 relevant terms. The agreement will shortly be up  
23 on that website, the full agreement.

24 And then for everyone's benefit sometime

1 in the next two weeks I'm going to actually set up  
2 a Plaintiffs only meeting where I go through the  
3 actual terms and help answer questions that people  
4 may have about what the terms actually are.

5 But that's generally where things are  
6 at.

7 Kind of the key dates are January 6 of  
8 2014, Plaintiffs lawyers need to file a document  
9 that essentially is registering --

10 THE COURT: Go ahead. I'm sorry.

11 MR. FLOWERS: Essentially registering all of  
12 their cases, and that doesn't have any obligation  
13 to participate. It just allows us to have  
14 information on the total number of cases that are  
15 out there, revised cases. And there's an actual  
16 form that will be on the website.

17 There is an order that I think you will  
18 enter today about that registration and, once  
19 again, something I can explain in greater detail at  
20 this meeting. So, that's January 6.

21 April 1 is the date, the last date to  
22 enroll in the program, meaning you want to have a  
23 client participate in the program.

24 The program is first come, first served

1 basically. So, if you believe your client is  
2 wanting to enroll in the program, once you  
3 understand the terms, the sooner you do that, the  
4 better, because if you qualify and the program goes  
5 forth, there will be payments made by DePuy on  
6 basically a first come, first served basis.

7           There's a lot of details to the program,  
8 which once again will be on the website and I can  
9 explain at this meeting. I don't know if it's  
10 worthwhile to do it.

11           Anyone that also would like a copy of  
12 the transcript from the hearing last week in  
13 Toledo, a lot of that documentation about the terms  
14 were in that as well, which defines some of it, and  
15 the agreement will be on the website as I  
16 mentioned.

17           MS. SHARKO: So, the transcript from the MDL  
18 hearing is on the website or will be shortly and  
19 the transcript from the New Jersey hearing last  
20 week is or will be on the website shortly.

21           The official website is actually  
22 [www.USASRsettlement.com](http://www.USASRsettlement.com). That's real important  
23 because there are a number of rogue websites out  
24 there that many of which contain misleading

1 information. There is only one official website,  
2 which is the USASRhipsettlement.com.

3 THE COURT: All right. Let's do it one more  
4 time because now I have heard it four different  
5 ways this morning.

6 And I will have this, just so everyone  
7 knows, in the Circuit Court, on my website it will  
8 have this and a link to it. Okay.

9 But I didn't mean to interrupt any of  
10 you, but I have heard four different websites so  
11 far. Let me ask you and then if yes and everybody  
12 can write down the right one.

13 [www.USASRhipsettlement.com](http://www.USASRhipsettlement.com).

14 MS. SHARKO: Hip -- yes. That's correct.

15 THE COURT: Okay. Thanks. I'm sorry. Go  
16 ahead.

17 MS. SHARKO: That's correct.

18 THE COURT: I just wanted to get the right one  
19 out there.

20 MS. SHARKO: That's correct. This is the only  
21 settlement program. There won't be settlements  
22 outside of this program. Signing up is, as  
23 Mr. Flowers said, a two-step process.

24 We need everybody to register according

1 to the registration order so that everyone knows  
2 the universe of cases and then a claim form and an  
3 enrollment form will be up shortly and we urge  
4 everyone to fill out the claim form and enroll as  
5 soon as possible because the sooner you get your  
6 claim form in, the administrator is going to  
7 process those claims as they come in. So, once the  
8 settlement is funded, checks can be written.

9 THE COURT: Okay. Anything else anybody wants  
10 to tell me?

11 MR. FLOWERS: The only other thing, your  
12 Honor, is we were asking for an order, CMO No. 5,  
13 to be entered today, which is an order for the  
14 appointment of the Plaintiffs' Settlement Oversight  
15 Committee.

16 That is a group of lawyers, including  
17 myself, that are involved in the process to make  
18 sure that everything goes according to plan  
19 especially in part B of the resolution, which  
20 involves injuries that are more than just a  
21 revision with a good recovery.

22 And the -- our group, meaning all  
23 lawyers from around the country, have essentially  
24 agreed upon this group. This order has already

1     been entered in the MDL and in New Jersey.

2             THE COURT:   Okay.  I will sign that order.

3             MS. SHARKO:   Thank you.

4             MR. FLOWERS:   Thank you.

5             THE COURT:   And so this is a private  
6     settlement.  I understand that.  But I just want to  
7     say I will be there to help you in any way I can.

8                     But this has been an outstanding  
9     pleasure for the Court, and what I have seen of the  
10    settlement is fair and everybody worked  
11    tremendously hard to do it with outstanding lawyers  
12    and I can't thank you enough.  This is the way it  
13    should work and you did a wonderful job.  Thank  
14    you.

15            MR. FLOWERS:   Thank you.

16            MS. SHARKO:   Thank you.

17            THE COURT:   But anything you need, I'm here.  
18    Pick another status date.  Everybody out there  
19    that's involved in this will get this hopefully  
20    within -- as soon as we can up on the website so  
21    you can just link to the official site and we will  
22    have copies of the status order from today.

23                     The two orders I'm entering which are  
24    Case Management Orders 5 and 6 will be up as soon

1 as we can get them up. Thank you everybody.

2 MR. FLOWERS: Thank you, your Honor.

3 MS. SHARKO: Thank you.

4 (WHEREUPON, there was a short  
5 interruption.)

6 UNIDENTIFIED MALE: I have an additional case  
7 on Friday and I have an order.

8 THE COURT: Mr. Sudzus.

9 MR. SUDZUS: It's just a consolidation.

10 THE COURT: You don't have any objection.

11 MR. SUDZUS: No objection.

12 THE COURT: That ends the DePuy for today.  
13 Now we are going to do Actos. We will give you a  
14 couple minutes to set up for that. Thank you.

15

16 (Time noted: 9:17 a.m.)

17

18 (WHICH WERE ALL THE PROCEEDINGS  
19 HAD IN THE ABOVE-ENTITLED CAUSE  
20 ON THIS DATE.)

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1 STATE OF ILLINOIS )

2 ) SS:

3 COUNTY OF C O O K )

4 I, CORINNE T. MARUT, C.S.R. No. 84-1968,  
5 a Certified Shorthand Reporter of the State of  
6 Illinois, do hereby certify that I reported in  
7 shorthand the proceedings had at the hearing  
8 aforesaid, and that the foregoing is a true,  
9 complete and correct transcript of the proceedings  
10 of said hearing as appears from my stenographic  
11 notes so taken and transcribed under my personal  
12 direction.

13 IN WITNESS WHEREOF, I do hereunto set my  
14 hand at Chicago, Illinois, on this 5th day of  
15 December, 2013.

16

17

18 CORINNE T. MARUT, C.S.R. No. 84-1968

19 Certified Shorthand Reporter

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