

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA  
MAJOR TRIAL DIVISION

*IN RE: CASES CONSOLIDATED WITH*  
JOSEPH ZAREMBA,

Plaintiffs,

Vs.

BIOMET, INC. *et al.*,

Defendants.

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*Consolidated Cases for Discovery*

Case No. 2014 CA 1932 NC

~~Case No. 2014 CA 1934 NC~~

~~Case No. 2014 CA 1936 NC~~

Case No. 2015 CA 4171 NC

Case No. 2016 CA 419 NC

Case No. 2016 CA 429 NC

**ORDER**

Re: Plaintiffs' Motion to Compel

THIS CAUSE having come on to be heard 5 June 2017 on Plaintiffs' April 21, 2017 Motion to Compel Production of Employee Documents, and the Court having reviewed the pleadings, heard argument of counsel and being fully advised, it is hereby

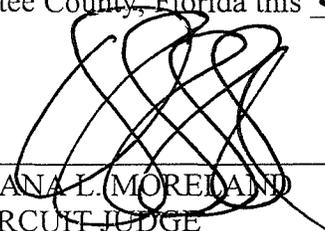
ORDERED AND ADJUDGED the motion is GRANTED in part and RESERVED in part.

1. On 28 November 2016 Plaintiff served upon Defendant a request to produce. Specifically Plaintiffs' requested: *which relate to the M2a hip replacement, the M2a Magnum hip replacement, the M2a Recap, any Biomet hip replacement system sold with or designed to articulate with the M2a Magnum's Acetabular Cup, metal ions, metal wear, cold welding, trunnionosis, fluid film lubrication, cobalt, or chrome*, from 25 employees of Biomet.
2. In an effort to limit the research Plaintiff submitted a list of 37 search terms.

3. Plaintiffs' proposed request to produce comes after Defendant has produced 10 million pages (1.5 documents) collected and produced in separate litigations in different jurisdictions. Plaintiff argues said productions are insufficient and were unilaterally made without serious input of the Plaintiff in those lawsuits; and certainly without input from the present Plaintiff.
4. To the credit of all parties several months of discovery negotiations occurred prior to this request for court intervention. Even subsequent to the present motion the parties continued to negotiate and make headway. It would appear contrary to Plaintiffs' representation that Defendant "continues to wholesale object", Plaintiff was unwilling to accept or approve any negotiations which would have provided for a systematic rollout of discovery.
5. After hearing all arguments the Court finds that there is some question as to whether the information sought from all seventeen individuals will be relevant or lead to information relevant to the case. Further the Court is concerned about the cumulative and proportional costs of the proposed discovery. With those concerns in mind the Court will permit Plaintiffs to select four of its seventeen individuals to be subjects of the 37 search terms. Plaintiff shall have 14 days from the date of this order to provide Defendant with such names. Defendant shall then have sixty days to produce same or an adequate privilege log in compliance with Court's previous order. The Court is not requiring Defense to provide items from back up tapes as parties have not fully met and confirmed. The cost of said production will be borne by Defendant. The Court will reserve as to final cost assignment.

6. Depending on the results of this production the Court will schedule a hearing to determine further discovery roll outs on the reserved request if requested by either party.

**DONE AND ORDERED** at Bradenton, Manatee County, Florida this 20 day of June, 2017.



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DIANA L. MORELAND  
CIRCUIT JUDGE

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