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August 5, 2024

VIA ECF FILING

Honorable Nicholas G. Garaufis, District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: MDL No. 3044, *In re: Exactech Polyethylene Orthopedic Products Liability Litigation*,
1:22-md-03044-NGG-MMH**

Dear Judge Garaufis:

The Parties have met and conferred and respectfully suggest that the Court amend the trial date and discovery schedule as set forth in the Court's Case Management Order for Bellwether Trials Between Personal Injury Plaintiffs and the Exactech Defendants (hereinafter the "First Bellwether Order") [ECF No. 521] as these dates relate to the first Bellwether case, ***Gayle Tarloff, 23-CV-5793 (EDNY Pool)***.

On or about April 18th of this year Exactech recalled many of its patella components for the same packaging issue that was addressed in the earlier recall involving hip liners and knee inserts. The patella is a component of the knee implant. The patella was allegedly revised for polyethylene wear in the *Tarloff* case as well as the third bellwether case, *Kessler Kramer*. In light of this new recall, Plaintiffs have served discovery demands on defendant involving the patella and the facts leading up to the recall. Defendant has responded to the document demand, but documents are still outstanding, and the parties are meeting and conferring on this production. The Parties have conferred and agree additional time is needed to complete this and other discovery in this case and prepare for trial.

Accordingly, subject to the Court's approval, the Parties have agreed to the following amended pretrial deadlines which essentially move the *Tarloff* case into the second trial setting that was originally intended for the *Larson* case as follows:

Task	Previous Deadline	Agreed Deadline
Core Depositions	June 30, 2024	August 29, 2024
Plaintiffs' Expert Reports	September 30, 2024	November 27, 2024

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Task	Previous Deadline	Agreed Deadline
Defendants' Expert Reports	November 30, 2024	January 29, 2024
Rebuttal Experts	December 15, 2024	February 13, 2025
Plaintiffs' Expert Depositions	January 15, 2025	March 17, 2025
Defendants' Expert Depositions	February 15, 2025	April 16, 2025
Pre-Trial Motions	February 28, 2025	April 29, 2025
Briefs in Opposition	March 28, 2025	May 27, 2025
Replies, if any	April 11, 2025	June 10, 2025
Trial	June 2, 2025	August 1, 2025

The Parties will continue to work together diligently on this matter. If it is helpful to the Court, we would be happy to have an in person or zoom conference with the Court to discuss this and to address the discovery matters that remain outstanding. However, given that the expert deadline in *Tarloff* is September 30, we respectfully request that the Court approve this amended schedule at its earliest convenience.

Respectfully submitted,

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