

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY
LITIGATION

22-MD-3044 (NGG) (MMH)

This Document Applies to: ALL CASES

NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

On October 29, 2024, the Exactech Defendants advised this Court that Osteon Holdings, Inc., Osteon Intermediate Holdings I, Inc., Osteon Intermediate Holdings II, Inc., Exactech, Inc., and XpandOrtho, Inc. commenced Chapter 11 bankruptcy proceedings in the United States Bankruptcy Court for the District of Delaware, captioned *In re Exactech, Inc., et al.*, Ch. 11 Case No. 24-12441 (LSS) (Bankr. D. Del.). (Am. Notice (Dkt. 754) at 1.)

Accordingly, pursuant to 11 U.S.C. §§ 362(a) and (6), it is hereby ORDERED that this action, and all related judicial proceedings, are STAYED pending resolution of the bankruptcy petition.

It is further ORDERED that the Court will continue to accept the transfer of related cases. See *In re Asbestos Prods. Liab. Litig. (No. VI)*, 771 F. Supp. 415, 421 n.6 (J.P.M.L. 1991) (“Transfer under [28 U.S.C.] § 1407 of an action containing claims against a defendant in bankruptcy has no effect on the automatic stay provisions of the Bankruptcy Code (11 U.S.C. § 362). Claims that have been stayed in the transferor court remain stayed in the transferee court. The Panel . . . has never considered the pendency of such stayed claims to be an impediment to transfer of an action.”).

It is further ORDERED that the parties shall appear for the video status conference scheduled for **January 9, 2025, at 2:30 P.M.** to discuss what issues, if any, need to be brought

to the Court's attention regarding the bankruptcy proceedings. The parties are reminded to submit a joint status report at least 10 days in advance of the status conference.

It is further ORDERED that, beginning after the status conference on January 9, 2025, the parties shall submit a joint status report regarding the bankruptcy proceedings **every 90 days**.

It is further ORDERED that all other deadlines and schedules in this action are adjourned *sine die*.

SO ORDERED.

Dated: November 1, 2024
Brooklyn, New York

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge