

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS,	§	
INC. PINNACLE HIP IMPLANT	§	MDL Docket No.
PRODUCTS LIABILITY	§	
LITIGATION	§	3:11-MD-2244-K
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This Document Relates to all Cases	§	
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**MEMORANDUM OPINION AND ORDER GRANTING IN PART THE  
DEFENDANTS' MOTION FOR PROTECTIVE ORDER TO QUASH  
PLAINTIFFS' NOTICE OF DEPOSITION**

Before the Court is the Defendants' Motion for Protective Order to Quash Plaintiffs' Notice of Deposition of W. Gregory Sawyer, Ph.D. [Dkt. 305]. As set forth fully herein, the motion is **GRANTED** in part and **DENIED** in part.

**Factual & Procedural Background**

On June 7, 2013, the Plaintiffs' Steering Committee (hereinafter the "PSC") noticed the deposition of their own expert, W. Gregory Sawyer, Ph.D., to preserve his testimony as the result of a serious health issue that may affect his ability to be present and testify at trial [Dkt. 305-1]. On June 10, 2013, the Defendants filed their Motion for Protective Order to Quash Plaintiffs' Notice of Deposition of W. Gregory Sawyer, Ph.D. [Dkt. 305], and the Court issued an expedited briefing schedule on June 13, 2013 [Dkt. 307]. The Defendants subsequently filed their Memorandum in Support of Motion for Protective Order to Quash Plaintiffs' Notice of Deposition of W. Gregory

Sawyer, Ph.D. [Dkt. 309] and a supplement [Dkt. 310], and the PSC filed their Memorandum in Opposition to the Motion for Protective Order to Quash Plaintiff's Notice of Deposition of W. Gregory Sawyer, Ph.D. [Dkt. 313].

### **Deposition Schedule**

The Defendants are permitted to conduct a discovery deposition of Dr. Sawyer on July 1, 2013. The PSC will conduct its video-taped deposition of Dr. Sawyer on July 8, 2013, and the Defendants will conduct their video-taped deposition of Dr. Sawyer on July 11, 2013.

### **Limitations on Use of and Access to Dr. Sawyer's Testimony**

Without leave of Court or written agreement of the parties, the PSC and the Defendants are prohibited from sharing Dr. Sawyer's deposition with counsel outside this MDL proceeding or using the deposition outside this MDL proceeding. Larry P. Boyd, Co-Lead Counsel for Plaintiffs, is responsible for insuring plaintiffs' counsel fully comply with this Order, and Michael V. Powell, counsel for Defendants, is responsible for insuring Defendants and their counsel fully comply with this Order. The Court will consider modifying or eliminating these limitations on motion of any affected party.

**SO ORDERED.**

Signed June 24, 2013.



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UNITED STATES DISTRICT JUDGE