



IN THE CIRCUIT COURT
OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

EXACTECH MASTER CASE

Master Case No. 2022 CA 002670

This Order Applies to All Cases

ORDER IMPLEMENTING COMPLETION OF FACT SHEETS

THIS CAUSE came before the undersigned upon Defendants, Exactech Inc., Exactech U.S., Inc., William “Bill” Petty, Betty Petty, David Petty, Gary Miller, Miller Family Holdings, LLC, and Miller Family Holdings, Inc., Motion for Order Implementing Completion of Fact Sheets (filed on March 23, 2023), and the parties consenting to the form, substance and entry of this Order,

IT IS HEREBY ORDERED AND ADJUDGED that:

1. Plaintiffs and the Exactech Defendants (“Defendants”) have agreed to online submission and service of Plaintiff Fact Sheets, Defendant Fact Sheets, Supplemental Plaintiff Fact Sheets, and Supplemental Defendant Fact Sheets (the “Fact Sheets”), and related documents in actions filed in or transferred into this action.

2. In the interest of efficiency and judicial economy, the Court orders the following discovery documents be completed by the parties as follows:

a. **The Plaintiff’s Preliminary Disclosure Form**, attached as **Exhibit A** to the Notice of Filing dated April 24, 2023, shall be completed by all Plaintiffs within thirty (30) days of filing of the Complaint or May 15, 2023, whichever is later.

b. **The Plaintiff Fact Sheet**, attached as **Exhibit B** to the Notice of Filing dated April 24, 2023, shall be completed by all Plaintiffs within seventy-five (75)

days of the filing of the Complaint, or June 1, 2023, whichever is later.

- c. **The Supplemental Plaintiff Fact Sheet**, attached as **Exhibit C** to the Notice of Filing dated April 24, 2023, shall be completed by all Plaintiffs who are selected to be in a bellwether trial pool within sixty (60) days of selection.
- d. **The Defendant Fact Sheet**, attached as **Exhibit D** to the Notice of Filing dated April 24, 2023, shall be completed by the Exactech Defendants within fifteen (15) days of receipt by Defendants of a substantially complete Plaintiff Fact Sheet provided that a substantially complete **Preliminary Disclosure Form** was timely filed.
- e. **The Supplemental Defendant Fact Sheet**, attached as **Exhibit E** to the Notice of Filing dated April 24, 2023, shall be completed by the Exactech Defendants for all Plaintiffs who are selected to be in a bellwether trial pool within sixty (60) days of selection.

3. ***Manner of Completion and Service of Disclosure Forms, Fact Sheets and Authorization Forms.*** Plaintiffs and Defendants may and are encouraged to use the online MDL Centrality System designed and provided by BrownGreer PLC and accessible at www.mdlcentrality.com to complete and serve Disclosure Forms, Plaintiff and Defendant Fact Sheets, as follows. If MDL Centrality is not used, all discovery must be served directly on defense counsel

- (a) Each Plaintiff required to submit a Plaintiff Preliminary Disclosure Form and Plaintiff Fact Sheet, shall use the established secure online portal in the MDL Centrality online system and obtain authorized usernames and secure login passwords to permit use of MDL Centrality by such counsel or Plaintiff by emailing Exactech@BrownGreer.com. Except as set forth herein, counsel for a Plaintiff or each *pro se* Plaintiff shall be permitted to view, search and download on MDL Centrality only those materials submitted by that Plaintiff and by Defendants relating to that Plaintiff, and not materials submitted by or relating to

other Plaintiffs.

- (b) Defendants shall establish a secure online portal with the MDL Centrality online system and obtain authorized usernames and secure login passwords to permit use of MDL Centrality by Defendants' counsel.
 - (c) Co-Lead Counsel for the Personal Injury Plaintiffs, the Plaintiffs' Steering Committee for the Personal Injury Plaintiffs, Attorney Designees appointed by the Plaintiffs' Steering Committee for the Personal Injury Plaintiffs, and Defendants shall have access to and be able to view, search, and download all materials submitted by all Plaintiffs and by all Defendants.
 - (d) Neither Plaintiffs nor Defendants will be given access to or knowledge of any reports, summaries, datasets, and/or other customizable information that another party has requested through MDL Centrality (including the fact that the request was made) without the requesting party's consent. If no consent is obtained from the requesting party, such requests and the information generated therefrom shall be considered the requesting party's work product and shall not be shared with any other party.
 - (e) Each Plaintiff and Defendants shall use the MDL Centrality System to obtain, complete or upload data, and serve the appropriate Preliminary Disclosure Form or Fact Sheet online (including the upload of PDFs or other electronic images, photographs and videos of any records required in the Fact Sheets). Each Plaintiff and Defendants shall provide a signed verification with their Fact Sheets, which will be signed in hard copy, uploaded, and served through MDL Centrality.
 - (f) Each Plaintiff shall use the MDL Centrality System to obtain, complete, and serve online the Plaintiff's Records Authorizations. Each Plaintiff shall sign each of the required Records Authorizations, which will then be uploaded and served through MDL Centrality.
 - (g) Service of a completed Fact Sheet and Records Authorizations shall be deemed to occur when the submitting Party has performed each of the steps required by the MDL Centrality System to execute the online submission of the materials, and the submitting Party has received confirmation on screen that the materials have been successfully submitted.
 - (h) If a Party must amend a previously served Plaintiff's Preliminary Disclosure Form or Fact Sheet, all subsequent versions must be named accordingly ("First Amended Fact Sheet," "Second Amended Fact Sheet," etc.), and all iterations of a Party's Fact Sheet must remain available and accessible to all Parties to a case through trial, appeal (if any), or other resolution of the litigation.
4. ***No Impact on Privileges or Work Product Protection.*** The use of MDL

Centrality by any Party shall not alter or otherwise waive or affect any attorney-client privilege or work product doctrine protection available that would otherwise apply to a document in the absence of the use of MDL Centrality. Any notations placed on materials, comments entered, or documents stored or uploaded to MDL Centrality by a user shall be considered to be the work product of such user unless and until the material is served on or purposefully disclosed to the opposing Party through the use of MDL Centrality or otherwise. Pursuant to Rules 1.280 and 1.285, Florida Rules of Civil Procedure, this Order with respect to privilege and work product doctrine protection applies to any other federal or state proceeding.

5. ***No Impact on the Scope of Discovery.*** Nothing in the Fact Sheets, Records Authorizations, or any use or action in MDL Centrality shall be deemed to limit the scope of further case-specific discovery, any inquiry at depositions and admissibility of evidence at trial. The scope of inquiry at depositions shall remain governed by the Florida Rules of Civil Procedure and the admissibility of information shall be governed by the Florida Rules of Evidence and applicable law. No objections or rights are waived as a result of any response in a Fact Sheet or the production of any documents with a Fact Sheet.

6. ***PFS and DFS to Serve as Written Discovery.*** A completed and signed PFS and DFS shall be considered interrogatory answers under Fla. R. Civ. P. 1.340 and responses to requests for production under Fla. R. Civ. P. 1.350 and will be governed by the standards applicable to written discovery under Fed. R. Civ. P. 1.280 through 1.380. Having already agreed upon the content of the PFS and DFS, the Parties may not object to any of the questions.

7. ***Extension of Deadlines.*** The Parties may agree to an extension of the deadlines set in this Order for the completion and service of Fact Sheets and Records Authorizations. Consideration should be given to requests for extensions to stagger PFS deadlines where a single

law firm has a large number due on or near the same dates, and correspondingly for Defendants with a large number of DFS due on or near the same dates. If the Parties cannot agree on reasonable extensions of time, the requesting Party may apply to the Court for such relief upon a showing of good cause and no prejudice to the other Party.

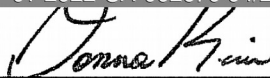
8. *Plaintiffs' Failure to Comply.* If a Plaintiff fails to materially comply with his or her obligations under this Order within the required deadlines, Defendants' Lead Counsel shall notify the Plaintiff's counsel or *pro se* Plaintiff in writing by either electronic mail with delivery receipt requested, or traceable overnight mail, of the allegedly deficient PFS or the missed deadline for production of the PFS. The deficiency letter shall specifically identify the alleged material deficiency. Deficiency letters shall not be used to annoy or harass a Party or delay the discovery process. Plaintiffs shall respond by phone or letter within two (2) weeks of the date of service of Defendants' letter. If the dispute is not resolved, Defendants shall put the dispute on the agenda for the next court conference. If a case appears on the agenda for two court conferences, the moving Party may request that an Order to Show Cause be entered to the delinquent Party. That Order to Show Cause shall be returnable at the next court conference and require the delinquent Party to show cause why his complaint should not be dismissed with prejudice or stricken.

9. *Defendants' Failure to Comply.* If Defendants fail to materially comply with their obligations under this Order within the required deadlines, Plaintiffs' Lead Counsel shall notify the Defendants' counsel in writing by either electronic mail with delivery receipt requested, or traceable overnight mail, of the allegedly deficient DFS or the missed deadline for production of the DFS. The deficiency letter shall specifically identify the alleged material deficiency. Deficiency letters shall not be used to annoy or harass a Party or delay the discovery

process. Defendants shall respond by phone or letter within two (2) weeks of the date of service of Plaintiffs' letter. If the dispute is not resolved, Plaintiffs shall put the dispute on the agenda for the next court conference. If a case appears on the agenda for two court conferences, the moving Party may request that an Order to Show Cause be entered to the delinquent Party. That Order to Show Cause shall be returnable at the next court conference and require the delinquent Party to show cause why its answer should not be dismissed with prejudice or stricken.

Done and Ordered in Chambers in Gainesville, Alachua County, Florida on this Wednesday, April 26, 2023.

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Donna M. Keim, Circuit Judge
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CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above has been served by e-portal or by First Class US Mail on this Wednesday, April 26, 2023.

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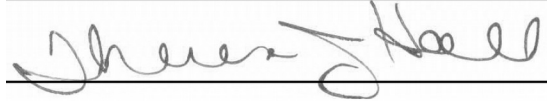
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A handwritten signature in black ink, appearing to read "Theresa Hall", written over a horizontal line.

Theresa Hall, Judicial Assistant
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