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Subject: Activity in Case 1:22-md-03044-NGG-MMH In Re: Exactech Polyethylene Orthopedic Products Liability Litigation
Order on Motion for Extension of Time to File
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U.S. District Court

Eastern District of New York

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Case Name: In Re: Exactech Polyethylene Orthopedic Products Liability Litigation

Case Number: [1:22-md-03044-NGG-MMH](https://ecf.nyed.uscourts.gov/cases/1:22-md-03044-NGG-MMH)

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Docket Text:

ORDER denying [207]: The Court overrules Plaintiff MSPRC Recovery Claims, Series LLC's ("MSPRC") objections to the Personal Injury Plaintiffs' and Exactech Defendants' proposed case management discovery orders and denies MSPRC's request to defer ruling regarding same. The Court previously granted the Personal Injury Plaintiffs' oral application for a stay of discovery regarding third party payer ("TPP") issues through May 3, 2023. (See ECF No. 165 at 1.) After carefully considering the relevant factors, the Court finds that good cause exists to further stay discovery as to the TPP Plaintiffs pending resolution of the Exactech Defendants' motion to dismiss MSPRC's Class Action Complaint at ECF No. [202]. See Fed. R. Civ. P. 26(c); see also *Batalla Vidal v. Duke*, No. 16-CV-4756 (NGG)(JO), 2017 WL 4737280, at *3 (E.D.N.Y. Oct. 19, 2017) ("In evaluating whether a stay discovery is appropriate, courts consider '1) whether a defendant has made a strong showing that the plaintiff's claim is unmeritorious, 2) the breadth of discovery and the burden of responding to it, and 3) the risk of unfair prejudice to the party opposing the stay. '" (cleaned up). Accordingly, discovery is stayed as to TPP issues generally and as to MSPRC specifically pending resolution of the Exactech Defendants' motion to dismiss MSPRC's Class Action Complaint. So Ordered by Magistrate Judge Marcia M. Henry on 05/30/2023 (JD)

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