

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
BROOKLYN DIVISION

.....X

*IN RE: EXACTECH POLYETHYLENE  
ORTHOPEDIC PRODUCTS LIABILITY  
LITIGATION*

Case No.: 22-md-3044-NGG-MMH  
MDL No. 3044

**PARTIES’ STIPULATION REGARDING  
BROADSPIRE DOCUMENTS**

*This Document Applies To:*

Judge Nicholas G. Garaufis  
Magistrate Judge Marcia M. Henry

*All Cases*

.....X

**STIPULATION**

The parties hereby stipulate that Exactech, Inc. and Exactech U.S., Inc. (“Exactech” or “Defendant”), in consideration for Exactech not being required to produce recordings or transcripts of recordings between Broadspire, or anyone acting on Broadspire’s behalf and Plaintiff, including notes of those recordings or transcripts, Exactech will not use the contents of those communications in the litigation in any manner. This stipulation does not address the admissibility of the amount of monies paid by Broadspire in response to a claim other than agreeing that the parties will brief its admissibility at an appropriate time should any party seek to offer that evidence.

Dated: March 6, 2023

**WEITZ & LUXENBERG, P.C.**

**FAEGRE DRINKER BIDDLE & REATH LLP**

*/e/ Ellen Relkin*  
\_\_\_\_\_  
Ellen Relkin

*/s/ Michael J. Kanute*  
\_\_\_\_\_  
Michael J. Kanute

700 Broadway  
New York, NY 10003  
T: 212-558-5500  
F: 212-344-5461  
[erelkin@weitzlux.com](mailto:erelkin@weitzlux.com)

**POPE McGLAMRY, P.C.**

/s/ Kirk Pope

N. Kirkland Pope  
3391 Peachtree Road, NE  
Suite 300  
Atlanta, GA 30326  
T: 404-523-7706  
F: 404-524-1648  
[Kirkpope@pmkm.com](mailto:Kirkpope@pmkm.com)

***Plaintiffs' Lead Counsel***

Sean J. Powell  
320 South Canal Street, Suite 3300  
Chicago, IL 60606  
T: 312-212-6510  
F: 312-569-3000  
[Mike.kanute@faegredrinker.com](mailto:Mike.kanute@faegredrinker.com)  
[Sean.powell@faegredrinker.com](mailto:Sean.powell@faegredrinker.com)

J. Stephen Bennett  
110 West Berry Street, Suite 2400  
Fort Wayne, IN 46802  
T: 260-424-8000  
F: 260-460-1700  
[Stephen.bennett@faegredrinker.com](mailto:Stephen.bennett@faegredrinker.com)

Susan M. Sharko  
600 Campus Drive  
Florham Park, NJ 07932  
T: 973-549-7000  
F: 973-360-9831  
[Susan.sharko@faegredrinker.com](mailto:Susan.sharko@faegredrinker.com)

***Counsel for Defendants Exactech, Inc. and  
Exactech U.S., Inc.***

SO ORDERED:

Dated: Brooklyn, NY  
March 23, 2023

*Marcia M. Henry*

Marcia M. Henry  
United States Magistrate Judge