

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
(BROOKLYN)

**IN RE: EXACTECH POLYETHYLENE
ORTHOPEDIC PRODUCTS LIABILITY
LITIGATION**

No.: 1:22-md-03044-NGG-MMH

This Document Relates to All Cases

MDL No. 3044

PRACTICE AND PROCEDURE ORDER NO. 5
(Electronic Service)

This Practice and Procedure Order (“Electronic Service Order”) submitted by stipulation is entered to eliminate delays associated with service of Complaints in this MDL proceeding and to promote efficiency. Accordingly, it is ORDERED as follows:

A. For Complaints that are properly filed in, removed to, or transferred to MDL No. 3044, TPG, Inc., Osteon Holdings, Inc., Osteon Merger Sub, Inc., and Osteon Intermediate Holdings II, Inc., (collectively, “TPG Defendants”) agree to waive formal service of summons pursuant to Fed. R. Civ. P. 4 and will accept service of Complaints in MDL No. 3044 on behalf of Defendants.

SERVICE UPON CERTAIN TPG/OSTEON DEFENDANTS

B. Service upon Defendants TPG, Inc., Osteon Holdings, Inc., Osteon Merger Sub, Inc., and Osteon Intermediate Holdings II, Inc. will be deemed complete upon providing copies of the Complaint, Summons, and Civil Cover Sheet to Defendants’ counsel, Kirkland & Ellis LLP, via email to the following email address: TPG_Complaints@kirkland.com.

EXHIBIT A

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This Document Relates to:

[INSERT PLAINTIFF NAME & CASE
NUMBER HERE]

MDL No. 3044

PROOF OF SERVICE

I am over the age of eighteen years and not a party to the within-entitled action. I certify that on _____, I served a true and correct copy of document(s) entitled:

1. SUMMONS IN A CIVIL ACTION;
2. COMPLAINT;
3. CIVIL COVER SHEET

on TPG, Inc., Osteon Holdings, Inc., Osteon Merger Sub, Inc., and Osteon Intermediate Holdings II, Inc., Inc. at TPG_Complaints@kirkland.com pursuant to the Electronic Service Order that was entered on _____.

Date: _____

/s/ _____
[Plaintiffs' Counsel Signature]