

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

STATUS CONFERENCE

In Re: Levaquin Products Liability	)	COURT MINUTES
Litigation,	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
Plaintiff,)	
	)	Case No: 08-1943 JRT
v.	)	Date: September 8, 2009
	)	Deputy: Holly Morley
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 2:35 p.m.
Defendant.	)	Time Concluded: 3:25 p.m.
	)	Time in Court: 50 Minutes

Hearing on: **Status Conference**

The Court held a formal status conference in In re Levaquin Products Liability Litigation on September 8, 2009. Appearing on behalf of the plaintiffs were Ronald Goldser, Lewis Saul, Yvonne Flaherty, and Kevin Fitzgerald. Appearing on behalf of the defendants were John Dames, William Robinson, Tracy Van Steenburgh, and John O’Shaughnessy, with Alyssa Daniels, Cory Watson, and Rick Schulte appearing by phone. The topics for the status conference included: (1) the number of cases pending and anticipated in the MDL and state courts; (2) the status of the New Jersey litigation; (3) coordination between the MDL and NJ state court; (4) the scheduling of bellwether cases; (5) the status of discovery in the MDL, encompassing a variety of subtopics including the plaintiffs’ pending motion to compel; and (6) proposed amendments to Pre-Trial Order No. 1 and Pre-Trial Order No. 3. The parties indicated that there are presently 136 MDL cases, with 11 pending transfer, for a total of 147 cases. There are also currently 60 state court cases, 57 of which are in New Jersey and are assigned to Judge Higbee. The confidentiality order is still in the process of being finalized in New Jersey. Lewis Saul is the plaintiffs’ liaison and John Dames is the defendants’ liaison between the New Jersey litigation and the MDL. As to the scheduling for bellwether trials, there are presently 13 bellwether cases, although the parties disagree how many of the selected cases will be tried at one time. The parties will meet and confer and further update the Court regarding this issue at the hearing on the motion to compel on October 2, 2009. The plaintiffs also indicated concerns about the discovery process, and the majority of those concerns will be addressed at the hearing on their motion to compel. The parties will submit a proposed Pre-Trial Order No. 5, reflecting an agreement between the parties that communications with their respective experts will remain confidential. The parties also noted that they are discussing a proposed Pre-Trial Order No. 6, addressing expert deposition discovery. Finally, the plaintiffs indicated that they would be proposing amendments to Pre-Trial Order No. 1 (adding individuals to the plaintiffs’ steering committee) and Pre-Trial Order No. 3 (addressing plaintiffs’ assessment and fee order). Those proposed amendments will be forthcoming. The Court has scheduled a hearing on the plaintiffs’ motion to compel for October 2 at 10:00 a.m.

APPEARANCES:

Plaintiff: Ronald Goldser, Lewis Saul, Kevin Fitzgerald, Yvonne Flaherty
Defendant: John Dames, William Robinson, Jr. Tracy Van Steenburgh, John O’Shaughnessey

s/Holly A. Morley
Calendar Clerk