

**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: November 10, 2009
	)	Deputy: Holly Morley
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 1:45 p.m.
Defendant.	)	Time Concluded: 2:13 p.m.
	)	Time in Court: 28 Minutes

Hearing on: **Status Conference**

The Court held a formal status conference by telephone in *In re Levaquin Products Liability Litigation* on November 10, 2009. Appearing by phone on behalf of plaintiffs were Ronald Goldser, David Cialkowski, Lewis Saul, Kevin Fitzgerald, Yvonne Flaherty, Richard Schulte, Troy Giatris, Bill Bross, and Anna Yakle. Appearing by phone on behalf of defendants were John Dames, Bill Essig, William Robinson, and Tracy Van Steenburgh. 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) the status of the case-selection process; (4) defendants' pending summary judgment motion in the *Karkoska* case; (5) the status of the entry of an order on the case-specific discovery in Phase I cases; (6) the deposition of Dr. Baniriah; (7) the commencement of discovery for Phase II cases; and (8) currently pending items and motions. The parties indicated that there are currently 240 MDL cases, with 5 federal cases subject to transfer, for a total of 245 federal cases. There are also 76 total state court cases, with the majority of cases in New Jersey and other state court cases in Illinois and California. Defendants' counsel indicated that written discovery in the New Jersey cases was not completed. The Court indicated that it will consider the case-selection process, case-specific discovery for Phase I cases, and the commencement of discovery in Phase II cases at the hearing on plaintiffs' motion to consolidate. Defendants' counsel also indicated that it would be scheduling Dr. Baniriah's deposition in the *Straka* case in the near future. The Court has scheduled a hearing on plaintiffs' motion to consolidate for November 23 at 10:30 a.m.

APPEARANCES:

Plaintiff: Ronald Goldser, David Cialkowski, Lewis Saul, Kevin Fitzgerald, Yvonne Flaherty, Bill Bross, Troy Giatras, Richard Schult, Anna Yakle
Defendant: John Dames, Bill Essig, William Robinson, Jr. Tracy Van Steenburgh

s/Holly A. McLelland
Calendar Clerk