



two podiatrists, one physician, and one physical therapist.

(7) (a) Discovery Review of Other Individual Litigation. Counsel reported to the Court on the discovery review of other individual litigation. Defense counsel reported that they had followed up on the cases listed in the motion to compel and that they anticipated providing plaintiffs' counsel with a report of their findings. (b) Document Production Follow-Up from Meet and Confer. Plaintiffs' counsel reported that defense counsel had indicated that document production had been completed or was forthcoming shortly regarding the patent case sweep, redacted financial documents, privilege log production, and the "Omnicare" documents. Plaintiffs counsel indicated that they intended to bring a motion about rebates and kickbacks. Plaintiffs counsel indicated that they had located a document authored by Walter Pascale, a former employee of defendants, but that they were still looking for Pascale's deposition, which had been taken approximately four or five years ago. Defense counsel stated that they were waiting to hear back from Sidley Austin, the firm that may have represented defendants in the matter where the deposition was taken. (c) Plaintiffs' Third-Party Subpoenas. Plaintiffs' counsel reported that they have received responses from some of their third-party subpoenas. Aventis has produced documents and plaintiffs have taken the deposition of Drew Levy, but plaintiffs are now seeking to depose Dr. Dai. Excerpta Medica's attorneys have been in contact with plaintiffs' counsel regarding their involvement with Levaquin and there are not very many documents or projects between Excerpta and defendants regarding Levaquin. DesignWrite will be producing 50 to 100 boxes, and plaintiffs' counsel anticipates taking depositions of DesignWrite people. Plaintiffs' counsel has obtained a list of CommonHealth's projects since 2005 and has requested a list of Levaquin-related projects prior to 2005. Plaintiffs and CommonHealth are still working on the issue of pre-2005 projects. Plaintiffs' counsel has issued a subpoena for Falk Group and are still waiting to hear from someone on behalf of Falk. (d) Experts. Plaintiffs' counsel reported that most expert depositions have been taken, but there will be some follow-up with Dr. Zizic on case-specific testimony. The deposition of defendants' case-specific expert is scheduled for July 1, 2010. The deposition of plaintiffs' expert on warnings is scheduled for July 9, 2010. The deposition for defendants' earnings expert is scheduled for July 23, 2010, and the parties are in the process of scheduling a deposition for Dr. Segreti. Plaintiffs anticipate that they will be able to make the July 30, 2010 deadline for *Daubert* motions in most cases, but that they may need extensions for a couple of them. Defense counsel also indicated that they may need to request a brief extension. (e) Case-Specific Discovery. Depositions of plaintiffs' fact witnesses are discussed in part (6). Defense counsel is in the process of redacting files related to the Med Watch investigation to comply with HIPAA regulations. After the redactions are complete, defense counsel will inform a particular plaintiff's counsel that a particular redacted file is that plaintiff's file. Defense counsel expressed a desire to continue with scheduling depositions for Phase II discovery in the same orderly progression as in Phase I. Plaintiffs' counsel expressed concern that it would be premature to go forward in light of bellwether trial preparation. The Court directed the parties to keep the item on the agenda.

The parties scheduled the next status conference for August 3, 2010, at 1:30 pm in Courtroom 13E.

#### APPEARANCES:

Plaintiff: Ronald Goldser, Lewis Saul, Kevin Fitzgerald, David Cialkowski, Tim Becker, Joe Friedberg  
Defendant: John Dames, Tracy Van Steenburgh, Todd Vinson

s/Holly A. McLelland  
Calendar Clerk