

**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: March 16, 2011
	)	Deputy: Holly McLelland
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 2:00 p.m.
Defendant.	)	Time Concluded: 2:40 p.m.
	)	Time in Court: 40 Minutes

Hearing on: **Status Conference**

1. New Jersey: New Trial Date

The parties reported there was discussion of moving the trial date for the New Jersey Levaquin trial due to delays caused by a current trial. The parties will let the Court know as soon as they have more definitive answers as to whether the New Jersey trial will be rescheduled and when. The Court will hold the current start date for the next bellwether trial of May 31, 2011.

2. Second Bellwether Trial

In response to plaintiffs' production of affidavits from the remaining Phase I plaintiffs and their doctors as to their conditions, the parties agreed that Kirkes was not suitable for the next bellwether case. The Court will allow defendants to depose plaintiffs Martinka and Christensen and their doctors to determine if either could attend some portion of the trial and assist their counsel. The Court ordered that said discovery occur within the next two weeks so that the matter can be discussed at the next status conference meeting and the next plaintiff for trial determined. The Court deferred discussion of IME for a later date.

3. Post-Trial Motions

Defendants stated they would need no more time than indicated by the local rules for the filing of post-trial motions. The Court will presume the normal briefing schedule applies for responses and replies unless either party has some reason for deviation, which the Court will consider at that time.

4. Discovery Issues / Phase II cases/ Remand Issues

Of the 34 plaintiffs remaining in Phase II, the parties agreed to begin discovery of the 3 Minnesota plaintiffs. Furthermore, the Court ordered defendants to come to the next status conference meeting with a preliminary report for the remaining 31 plaintiffs in regards to defendants' plans to file 1404a or *Lexicon* motions.

5. Trial exhibits

This agenda item was placed on the agenda by Ron Goldser who was unable to attend so the Court deferred discussion on this topic and the publication of the punitive damages order until the next status conference.

* The next status conference is scheduled for April 6, 2011 at 2:00 p.m. This will be a telephone conference.

APPEARANCES:

Plaintiff: Lewis Saul, Kevin Fitzgerald, Yvonne Flaherty, David Cialkowski, Robert Binstock, Troy Giatras, Bill Bross, Mike Watts, and Tina Olson for Ron Goldser
Defendant: John Dames, Tracy Van Steenburgh, James Irwin, Scott Smith

s/Holly A. McLelland
Calendar Clerk