

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

**STATUS CONFERENCE**

In Re: Levaquin Products Liability	)	<b>COURT MINUTES</b>
Litigation,	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
	)	
Plaintiff,	)	
	)	Case No: 08-1943 JRT
v.	)	Date: April 6, 2011
	)	Deputy: Holly McLelland
	)	Court Reporter: Tim Willette
	)	Time Commenced: 3:40 p.m.
	)	Time Concluded: 4:30 p.m.
Defendant.	)	Time in Court: 50 Minutes
	)	

Hearing on: **Status Conference**

1. Federal/State Coordination

The New Jersey trial is now scheduled to start on June 20, 2011 and anticipated to last four to six weeks. There is a possibility that the trial will be moved to fall but the Court determined that maintaining a start date for the next bellwether case of May 31, 2011 was appropriate. Counsel will advise if the New Jersey date changes.

2. Schedin

Defendants have filed their post trial motions. Plaintiffs have 45 days to respond. Defense will then have 21 days for reply. A hearing on the motions was scheduled for July 7, 2011.

3. Second Bellwether Trial

After lengthy discussion, the defendants chose Calvin Christensen as the second bellwether plaintiff. The Court determined, after review of the doctor's letters and depositions, that Mr. Christensen could assist in the preparation and prosecution of his case and could attend at least minimally when his presence was necessary. The Court acknowledged that attendance posed some difficulties for Mr. Christensen and noted that the Court will make every accommodation possible to minimize any hardship. The parties are to meet and confer regarding scheduling deadlines.

4. Discovery Issues / Phase II cases

The parties will meet and confer regarding discovery in the three Phase II cases involving Minnesota plaintiffs – Mroz, Olson, and Straka. The parties discussed conducting minimal discovery on the 30 cases involving non-Minnesota residents who filed in Minnesota for the purposes of initiating 1404 motions. Defendants requested depositions of the parties, the prescribers, and the treating physicians. The parties agrees to meet and confer on the issue and the Court will defer ruling until a later date on the discovery scope and schedule.

5. Remand

Plaintiffs' counsel requested mediation with a Magistrate Judge before remand was determined. The Court will defer a decision until the parties can meet and confer on the issue.

6. Release of trial exhibits

Parties discussed whether an agreement had already been reached between Mr. Goldser and Ms. Van Steenburgh on the status of confidential documents. As Ms. Van Steenburgh was unable to attend the status conference, the Court ordered a conference within the next week to be attended by Mr. Goldser and Ms. Van Steenburgh to determine the disposition of confidential documents and release of the punitive damages order.

\* The next status conference is scheduled for April 27, 2011 at 2:00 p.m.

**APPEARANCES:**

Plaintiff: Ronald Goldser, Lewis Saul, Kevin Fitzgerald, David Cialkowski, John Walsh,  
Bill Bross, Mikal Watts, Joe Dunson, Eric Terry, Elliot Olson  
Defendant: John Dames, Bill Essig, James Irwin, Scott Smith

s/Holly A. McLelland  
Calendar Clerk