

**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: October 25, 2011
	)	Deputy: Holly McLelland
,	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 1:45 p.m.
Defendant.	)	Time Concluded: 2:20 p.m.
	)	Time in Court: 35 Minutes

Hearing on: **Status Conference**

**1. Number of cases pending and anticipated in the MDL and state courts**

Defendants state that as of October 14, 2011, there are 1483 cases in the MDL; 58 additional cases are pending. New Jersey has 1942 cases pending, and there are 5 cases currently pending in St. Clair County, Illinois (although some may have multiple plaintiffs).

**2. Federal/State Coordination**

The first New Jersey trials concluded with verdicts for the defense. The combined trial for two plaintiffs lasted approximately six weeks. The New Jersey court has not yet set further trial dates; a status conference is upcoming. The next trial is also expected to have two plaintiffs.

**3. Settlement Conference: November 29, 2011**

A settlement conference is scheduled before Magistrate Judge Boylan on November 29, 2011.

**4. Straka trial**

A date for Mr. Straka's continued deposition has been agreed on by the parties. The parties agreed to extend the deadline for disclose of experts to tomorrow.

New experts have already been disclosed by both sides. The parties anticipate their testimony will require additional time at trial. The parties will confer on the hours limit for each side, and their suggestions will be discussed at a future status conference.

The parties are conferring on the availability of data from Dr. Wells.

The parties are continuing to confer on the dismissal of claims and of entities other than Johnson & Johnson and Ortho-McNeil-Janssen Pharmaceuticals, Inc. The Court asked the parties to clarify these issues in the next couple of weeks.

#### **5. Additional Case Selection**

As ordered in Pre-Trial Order Number 12 (Docket No. 4092), the parties are conferring to select additional bellwether trial cases. The current list—which will be narrowed further—consists of 24 plaintiffs. The Court noted that the list submission date of November 14, 2011 may be extended upon the request of either party.

#### **6. Further Review of Kahn, Yee, and Noel personnel files**

Plaintiffs remain concerned that there is additional relevant material in the personnel files of Kahn, Yee, and Noel. Defendants agreed to release the entire personnel files to the Court for review. The Court will review the personnel files in camera to determine if additional portions are relevant.

#### **7. Original Package Inserts**

In light of the submission of additional original package inserts to the New Jersey court, Plaintiffs requested Defendants provide them with all of the available original package inserts. Because only one original of each type of package insert is available, Defendants will retain possession of the originals. The Court ordered that exact copies of all of the original inserts be provided to Plaintiffs right away and that Defendants make the originals available at trial.

#### **8. Transcript submission for *Schedin* appeal**

Defendants wish to submit transcripts currently filed in the MDL for their appeal of *Schedin*. The Court Reporter will re-file those transcripts in the *Schedin* file.

**Next Status Conference: November 29, 2011 at 4:00 PM.**

#### **APPEARANCES:**

Plaintiff: Ronald Goldser, David Cialkowski  
Defendant: Tracy Van Steenburgh, James Irwin  
On phone: Lewis Saul, Kevin Fitzgerald, Bill Essig, Robert Binstock, Kristian Rasmussen, Ed Coleman, Jillian Redding, Elliot Olsen, and Matt Anderson

s/Holly A. McLelland  
Calendar Clerk