

**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: November 29, 2011
	)	Deputy: Holly McLelland
,	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 4:10 p.m.
Defendant.	)	Time Concluded: 4:50 p.m.
	)	Time in Court: 40 Minutes

Hearing on: **Status Conference**

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

Defendants state that there are 1678 cases in the MDL; 4 additional cases are pending transfer; 43 cases have been dismissed. New Jersey has 1975 cases pending. The next status conference in New Jersey is scheduled for December 13, but no future trial dates have been set.

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

A settlement conference was held on November 29, 2011 before Magistrate Judge Boylan. No settlement was reached.

The Court indicated additional issues related to remand or summary adjudication would not be included in future status conference agendas until after the completion of the third bellwether trial.

**3. Party Name Change**

The parties indicated that Defendant Ortho-McNeil-Janssen Pharmaceuticals, Inc. has recently changed its entity name. The parties will submit a proposed order stipulating to an amendment to reflect this change.

**4. Straka trial**

The trial date is set for **January 3, 2011**.

The parties have mutually agreed to alter the Court's Scheduling Order (Pretrial Order #12). The parties will provide the Court with an updated schedule.

The parties noted they are conferring on several issues for the upcoming trial:

- a. Production of additional personnel files  
(The parties indicated at least one additional file will be provided to the Court for *in camera* review. Plaintiffs indicated that after the witness lists are exchanged, they may request production of additional files.)
- b. Disclosure of sales representative call notes and the availability of these representatives for depositions
- c. Availability of data from Dr. Wells
- d. After the medical exam of Mr. Straka: timing of report production and deposition of the examining doctor
- e. Hours limit for each side. The schedule will be discussed at the next status conference.

## **5. Videotape of Trial Testimony**

Plaintiffs request videotaping of generic expert witnesses during the trial for use in future trials. The Court noted that cameras in the courtroom would violate Judicial Conference policy but will determine if any exceptions apply.

## **6. 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 list has not yet been submitted by the parties.

**Next Status Conference/ Motion hearing: December 27, 2011 at 1:30 pm**

## **APPEARANCES:**

Plaintiff: Ronald Goldser, Kevin Fitzgerald, David Cialkowski, Charles Zimmerman, James Morris  
Defendant: Tracy Van Steenburgh, James Irwin  
On phone: Kristian Rasmussen, Elliot Olsen, and Alyssa Daniels

s/Holly A. McLelland  
Calendar Clerk