

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

CIVIL HEARING

In Re: Levaquin Products Liability Litigation,	)	COURT MINUTES
	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
This document also relates to:)	
	)	Case No: 08-1943 & 08-5742 (JRT)
Clifford Straka, et al.	)	Date: December 27, 2011
	)	Deputy: Holly McLelland
Plaintiffs,	)	Court Reporter: Kristine Mousseau
	)	Courthouse: Minneapolis
v.	)	Courtroom: 13E
	)	Time Commenced: 1:55 pm
Johnson & Johnson, et al.	)	Time Concluded: 5:30 pm
	)	Time in Court: 3 Hours and 35 Minutes
Defendants.)	

Pretrial Conference before John R. Tunheim, United States District Judge, at Minneapolis, Minnesota.

APPEARANCES:

Plaintiff: Ronald Goldser, Lewis Saul, James Morris, David Cialkowski, Genevieve Zimmerman
Defendant: Tracy Van Steenburgh, James Irwin, Bill Essig, Douglas Moore, Scott Smith
Phone: Elliot Olsen, Eric Terry, Ed Coleman

PROCEEDINGS:

Plaintiff's Motions

- (a) Preclude Use of Blow Ups and Call-outs [#122] - **DENIED**
- (b) Exclude Evidence that approval of label changes includes review of tendon label [#111] - **Under Advisement**
- (c) Preclude reference to Competitors' Labels [#134] - **DENIED**
- (d) Preclude Use of You Tube exercise videos [#126] - **DEFER UNTIL TRIAL**
- (e) Permit videotaping of expert testimony to preserve for future trials [#4431 in main case 08-1943] - **DENIED**
- (f) Permit Trial Testimony of Dr. Peter Layde [#106] - **DENIED**
- (g) Exclude certain defense cross examination of Dr. Zizic [#113] - **DENIED**
- (h) Exclude Expert Testimony of Dr. Jack Bert [#64] - **DENIED**
- (i) Exclude Expert Testimony of Dr. David Feigal [#69] - **Under Advisement**

- (k) Omnibus Motions [#101] - **GRANTED in part and DENIED in part, and Under Advisement in part**
- (l) Preclude Use of Depositions of Drs. Coetzee and Harris [#130] - **MOOT**

Defendants' Motions

- (a) Response to punitive damages - **Under Advisement**
- (b) Summary Judgment [#44] - **Under Advisement**

- (d) Exclude Blume testimony re pre-empted claims [#41] - **Under Advisement**
- (e) Exclude Certain Opinions of Dr. Zizic [#76]- **GRANTED in part**
- (f) Preclude Pln From Using at Trial Dr. Layde's Prior Deposition and Trial Testimony and Report [#118] - **Under Advisement**
- (g) Exclude evidence of "Ghostwriting" [#88] - **Under Advisement**
- (h) Exclude Evidence of Adverse Events [#90] - **Under Advisement**
- (i) Exclude Citizens' Petitions [#96] (submit) - **Under Advisement**
- (j) Exclude Foreign Regulatory Evidence [#98] - **Under Advisement**

- (l) Various Issues [#89] - **Under Advisement**

s/Holly McLelland
Calendar Clerk