

**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: September 14, 2011
	)	Deputy: Holly McLelland
,	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 1:50 p.m.
Defendant.	)	Time Concluded: 2:40 p.m.
	)	Time in Court: 50 Minutes

Hearing on: **Status Conference**

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

Defendants state that as of September 12, 2011, there are 1461 cases in the MDL; 1423 cases are pending. New Jersey has 1900 cases pending, and there are 51 cases in other state courts.

2. Federal/State Coordination

The New Jersey trial has begun. Opening statements were heard on September 6. The trial is anticipated to last until mid-October. The trial is being videotaped and is available live online. No additional cases are currently scheduled in New Jersey.

Individual plaintiff discovery is ongoing in Illinois, but no trial date has been set.

3. Third Bellwether Trial date –January 3, 2012

The trial date has been moved from November 14, 2011 to January 3, 2012. The trial is expected to last three weeks. The Court will issue an order shortly regarding which plaintiff's case will be tried.

Once this plaintiff is selected, the parties will meet and confer before proposing a schedule for the submission of motions in limine. Counsel also agreed to meet and confer regarding additional Defense employee personnel files. Defendant's counsel noted they are working to identify a new generic expert. The parties agreed to confer on disclosure of experts before the third Bellwether trial. The parties also agreed to meet and confer to resolve issues of updated plaintiff depositions and independent medical exams after the next plaintiff is selected.

4. Additional status conference.

If the parties feel that an additional status conference (on October 4 or 5) would be helpful, a request should be submitted as soon as possible after the selection of the next plaintiff.

Next status conference: October 25, 2011 at 1:30 p.m.

APPEARANCES:

Plaintiff: Ronald Goldser, David Cialkowski

Defendant: Tracy Van Steenburgh, John Dames, James Irwin

On phone: Lewis Saul, Kevin Fitzgerald, Eric Terry, Kristian Rasmussen, Diane Price, Kelly Reardon, Matt Anderson

s/Holly A. McLelland
Calendar Clerk