

**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:	July 17, 2012
	)	Deputy:	Holly McLelland
	)	Court Reporter:	Kristine Mousseau
	)	Time Commenced:	9:20 a.m.
Defendant.	)	Time Concluded:	10:30 a.m.
	)	Time in Court:	1 Hour and 10 Minutes

Hearing on: Status Conference + Motions

**Schedin v. Ortho-McNeil-Janssen Pharmaceuticals, Inc. 08-5743**  
- Defendant's Motion for Relief from Judgment [Docket No. 283]

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

Defendants state that there are 1779 cases pending in the MDL; 58 cases have been dismissed. 1563 cases are open in the New Jersey mass tort litigation; 211 have been dismissed. Five cases are currently pending in other state courts (two cases are in Illinois).

**2. Federal/State Coordination**

No trials are currently scheduled in the New Jersey litigation, but a status conference is scheduled for July 18.

The two cases in St. Clair County, Illinois have been consolidated and that trial is expected to commence in September 2012; a motion for summary judgment is pending.

**3. Rule 60 motion**

The parties presented their arguments regarding Defendants' pending Rule 60 motion in *Schedin*. The motion is under advisement and a written order will be forthcoming.

**4. Order to Show Cause (Forum Non Conveniens, 1404A cases)**

The parties are meeting and conferring before the submission of a draft order. This issue was continued until the next status conference.

**5. Motion to Sever Plaintiffs in Multiple-Plaintiff Complaints.**

On June 27, Defendants filed a motion to sever plaintiffs in multiple plaintiff complaints. Any opposition to that motion must be filed by July 19, 2012. Defendants noted that they had reached an agreement with one firm who had filed a complaint with multiple plaintiffs.

#### **6. Proposed Amendment to PTO 3**

Plaintiffs' attorneys reported that they are continuing to negotiate amongst themselves and that there were no pressing issues for the Court at this time.

#### **7. Final Pretrial Order and Suggestion of Remand**

Defendants filed a brief outlining their objections to Plaintiffs' proposed remand order on July 16. At the status conference, the Plaintiffs stated that they would like the opportunity to reply in writing. The Court asked that any reply be filed within two weeks.

#### **8. October Trial**

The Court ordered both parties to submit the names of possible plaintiffs for the October trial by July 24. The Court will address the selection of a plaintiff at the next status conference. If the parties are unable to agree on a plaintiff, the Court will decide.

**Next Status Conference: August 6 at 1:30 PM.**

#### **APPEARANCES:**

Plaintiff: Ronald Goldser, Charles Zimmerman, Genevieve Zimmerman, Reed Flathman  
Defendant: Tracy Van Steenburgh, John Winter  
Phone: Lewis Saul, Kevin Fitzgerald, Bill Essig, James Irwin, Kristian Rasmussen, Ed Coleman

s/Holly A. McLelland  
Calendar Clerk