

**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: August 6, 2012
	)	Deputy: Holly McLelland
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 1:50 p.m.
Defendant.	)	Time Concluded: 2:50 p.m.
	)	Time in Court: 1 Hour

Hearing on: Status Conference + Motion

- Defendants' Motion to Prohibit Certain Ex Parte Communications with Treating Physicians [Docket No. 5200]

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**1. Number of cases pending and Federal/State Coordination**

Defendants state that there are 1780 cases pending in the MDL.

1563 cases are open in the New Jersey mass tort litigation. No trials are currently scheduled in the New Jersey litigation, but a status conference is scheduled for August 23 and plaintiffs are expected to be selected at that time.

Two cases are pending in Illinois, and a trial is scheduled to commence in September 2012; a motion for summary judgment is pending.

**2. Motion to Prohibit Certain Ex Parte Communications with Treating Physicians**

The parties presented their arguments regarding Defendants' motion to prohibit certain ex parte communications with treating physicians. The motion is under advisement and a written order will be forthcoming.

**3. Order to Show Cause (Forum Non Conveniens)**

The parties will file briefing outlining their positions regarding the propriety of an order to show cause or stipulation for MDL cases filed in Minnesota where the plaintiff resides elsewhere.

**4. Proposed Amendment to PTO 3**

Defendants have reached a definitive settlement agreement with some of the New Jersey plaintiffs, but Plaintiffs' attorneys report an impasse in their negotiations regarding Pretrial Order 3. Ron Goldser will submit a letter to the Court detailing the disputed issues.

## 5. October Trial

The parties still have not selected a plaintiff for the next trial, but between six and eight plaintiffs are being screened for selection. The parties will submit an updated list of plaintiffs under consideration to the Court on August 16.

The Court moved the trial start date to October 29.

**Next Status Conference: August 28 at 1:00 PM.**

### APPEARANCES:

Plaintiff: Ronald Goldser, Charles Johnson  
Defendant: Tracy Van Steenburgh, John Winter  
Phone: Lewis Saul, Kevin Fitzgerald, Genevieve Zimmerman, Robert Binstock, Bill Essig,  
James Irwin, Eric Terry, Bill Bross

s/Holly A. McLelland  
Calendar Clerk