

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

**STATUS CONFERENCE**

In Re: Levaquin Products Liability	)		
Litigation,	)		
	)		
Plaintiff,	)		
	)	Case No:	08-1943 JRT
v.	)	Date:	March 13, 2013
	)	Deputy:	Holly McLelland
	)	Court Reporter:	Kristine Mousseau
	)	Time Commenced:	2:55 p.m.
Defendant.	)	Time Concluded:	3:30 p.m.
	)	Time in Court:	35 Minutes

**COURT MINUTES**  
BEFORE: John R. Tunheim  
U.S. District Judge

Hearing on: Status Conference

**1. Number of cases pending**

There are currently 1,921 cases pending in the MDL.

**2. Federal/State Coordination**

There are three cases pending in Illinois. Trials are not currently set in these matters.

There are 1355 active cases in New Jersey. Roughly 360 of those cases are currently subject to dismissal due to settlement, and 400+ have been settled in principal.

**3. Status of Settlement**

Defendants report that 1,375 cases are settled or in the process of settling. Dismissals will be submitted to the court soon.

**4. Status of Amended PTO 3 in New Jersey**

On January 3, 2013 the Court entered an Amended PTO 3 regarding Plaintiff's common expense fund. This order has no effect unless and until it is entered by the New Jersey court.

A parallel amended PTO 3 has not yet been signed or filed by Judge Higbee. No opposition to the proposed order has been expressed. At this time, there has been no transfer of settlement funds that would be subject to PTO 3.

**5. Bond Reduction - - Schedin**

Defense counsel will be submitting a proposed order to reduce the bond in the Schedin case to reflect the Eighth Circuit's reduction in damages, now that all of the issues other than the Rule 60 motion have been finally decided by the Eighth Circuit.

**6. Motion to Dismiss (Carey, Danis & Lowe Cases)**

On December 3, 2012, the Court entered an order to show cause regarding plaintiffs who had failed to serve a completed fact sheet on Defendants. The order allowed a 60 day period for such filings, which time period expired February 1, 2013.

Defense counsel filed a motion to dismiss on March 4, 2013, to dismiss cases in which the fact sheets have been produced, but are still allegedly deficient. The Court will allow plaintiffs 30 additional days in which to produce complete plaintiff fact sheets. After 30 days, the Court will enter dismissals in those cases in which the fact sheets remain deficient.

**7. Motions to Withdraw – Pro Se Plaintiffs**

There are 37 cases where plaintiff's attorneys have brought a motion to withdraw, which will result in those plaintiffs proceeding pro se. Defense counsel does not oppose any of the motions to withdraw, but request that any such orders contain addresses for the plaintiffs to allow for service of relevant documents on the pro se parties.

**8. Cases for Remand and Remand Order (PTO 13)**

With respect to at least six cases, the plaintiffs have made clear they would like their cases remanded for trial. Defense counsel has prepared and will submit a proposed remand order to the Court for these six cases.

There are approximately 50 other cases that are potentially subject to remand. The parties will file with the Court a proposed suggestion of remand that will allow plaintiffs in those cases 30 days to respond and explain why their cases should not be remanded. If the Court receives no responses within 30 days after entry of the suggestion of remand order, it will remand those cases.

**9. Cases for Transfer**

There are currently 575 cases subject to transfer. Carey & Danis, LLC is counsel on 436 of these cases. Taking into account cases that are subject to settlement, defense counsel projects that 25-30 cases will remain in the MDL that are subject to transfer under 28 U.S.C. § 1404

**10. Projected End Date**

The attorneys anticipate that the MDL will be completed in June 2013.

**Next Status Conference: Tuesday, April 23, 2013 at 12:30PM.**

**APPEARANCES:**

Plaintiff: Ronald Goldser, Charles Zimmerman, John Carey, Corey Sullivan  
Defendant: Tracy Van Steenburgh, John Winter, Dana Lenahan, Bill Essig  
Phone: Kevin Fitzgerald, Kristian Rasmussen, Elizabeth Peterson, William Bross, Paige Boldt, Doug Soffey, Jody Rudman, David Bauman, Sarah McNeely

s/Holly McLelland  
Courtroom Deputy Clerk