

**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
	)	Date:	July 30, 2013
v.	)	Deputy:	Heather Arent-Zachary
	)	Court Reporter:	Kristine Mousseau
	)	Time Commenced:	11:15 a.m.
Defendant.	)	Time Concluded:	11:45 a.m.
	)	Time in Court:	30 Minutes

Hearing on: Status Conference

1. Federal and state cases in MDL and state court

There are currently 1,850 cases pending in the MDL.

Approximately 2100 cases were originally pending in state litigation in New Jersey. Judge Higbee has selected another case for a Bellwether trial in the New Jersey litigation, but no date has been set.

2. Status of Settlement

Defense counsel reports that over 1,000 cases have been settled and 130 are in the process of settling. In 40 cases, settlement offers have been rejected.

3. Status of Remaining Cases in MDL

In approximately 260 cases, counsel for plaintiffs have moved to withdraw. Most of these cases involve plaintiffs that have not responded to communications from counsel or have not received settlement offers and refuse to authorize the dismissal of their cases. Plaintiffs' counsel submitted a proposed order to show cause with respect to the cases in which counsel for plaintiffs have moved to withdraw. The Court indicated that it would not grant the motions to withdraw as counsel at this time, to avoid the difficulty of proceeding with 260 pro se plaintiffs. Plaintiffs' counsel agreed to submit a revised proposed order to show cause that will require plaintiffs to respond to counsel or the Court indicate a desire to move forward with their cases or face dismissal for failure to prosecute.

Approximately 310 cases not held by the Carey, Danis & Lowe law firm will be potentially subject either to remand or transfer. In approximately 130 of those cases settlement negotiations are ongoing.

4. Carey, Danis & Lowe Cases

In 229 cases held by the Carey, Danis & Lowe law firm, problems persist with the existence or adequacy of plaintiff fact sheets ("PFS"). In 83 of those cases no PFS has been provided, and counsel for both sides indicated that they intend to submit agreed upon proposed orders for dismissal of those cases. In the remaining 146 cases, defense counsel intends to submit a list of the deficiencies and provide the Carey firm with an opportunity to correct those deficiencies.

Next Status Conference: Wednesday, August 28, 2013 at 11:00AM.

APPEARANCES:

Plaintiff: Ronald Goldser, Corey Sullivan

Defendant: John Winter

Phone: Kevin Fitzgerald, Douglas Soffey, Bill Bross, Douglas Whipple, Paige Boldt

s/Heather Arent-Zachary
Courtroom Deputy Clerk