

**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:	January 22, 2014
v.	)	Deputy:	Heather Arent-Zachary
	)	Court Reporter:	Debra Beauvais
	)	Time Commenced:	3:43 p.m.
Defendant.	)	Time Concluded:	4:08 p.m.
	)	Time in Court:	25 Minutes

Hearing on: Status Conference

1. Status of Cases for Remand

Defense counsel reported that there are 41 cases in the MDL that are currently likely to be subject to remand back to the districts in which they were originally filed. With respect to 10 of those cases, defense counsel has conferred with counsel for plaintiffs and will file a stipulation for remand. With respect to the other 31 cases, counsel for plaintiffs in those cases have not responded to defense counsel's attempts at communication. Defense counsel will file a proposed order to show cause as to why those 31 cases should not be remanded.

2. Status of Cases for Transfer

Defense counsel reported that there are 10 cases in the MDL that are subject to transfer. All of these cases will be subject to transfer by stipulation.

3. Orders to Show Cause

Defense counsel suggested that in 35 cases, the Court should enter an order to show cause to ascertain whether the plaintiffs intend to go forward. In 11 of these cases, defense counsel has never received any communication from counsel for plaintiffs, despite repeated efforts to communicate.

In 24 of these cases, defense counsel received some initial response to a settlement offer from counsel for plaintiffs. These communications were to the effect of "we have received an offer, we are considering it." Several months have passed, and defense counsel has heard nothing further from counsel for plaintiffs in this group of cases.

Defense counsel will prepare and submit to the Court proposed orders to show cause with respect to these cases as to why they should not be dismissed for failure to prosecute. Failure to respond to an order to show cause will result in the dismissal of these cases.

4. Status of Responses to Pro Se Order to Show Cause

There are 32 cases where plaintiffs who are either pro se, or will become pro se if the Court grants the pending motions to withdraw had indicated in response to an earlier order to show cause that they would like to move forward with their cases. Four of those cases have been settled. Four more plaintiffs are considering settlement offers. Six plaintiffs have affirmatively rejected offers. The Court will grant the motions to withdraw in these six

cases and the Court will entertain motions to transfer those cases to the district in which the plaintiff resides. Defense counsel has contacted the remaining plaintiffs and is awaiting communication from the remaining pro se plaintiffs.

5. Carey Danis & Lowe Cases

Defense counsel reports that all Carey, Danis & Lowe cases have been resolved. The Court noted that it has been receiving communications from plaintiffs previously represented by that firm, to the effect that their cases were voluntarily dismissed by stipulation without their knowledge. The Court is concerned about these communications and the appropriateness with which Carey, Danis & Lowe has handled its cases in this MDL. The Court continues to monitor these communications and refer the individuals to plaintiffs' liaison counsel and defense counsel where appropriate.

Next Status Conference: Monday, February 24, 2014 4:00PM

APPEARANCES:

Plaintiff: Ronald Goldser, Genevieve Zimmerman

Defendant: Tracy Van Steenburgh, Cort Sylvester

Phone: Thomas Knight, Adam Evans, Bill Bross, Douglas Whipple

s/Heather Arent-Zachary
Courtroom Deputy Clerk