

**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:	March 25, 2014
v.	)	Deputy:	Heather Arent-Zachary
	)	Court Reporter:	Kristine Mousseau
	)	Time Commenced:	4:44 p.m.
Defendant.	)	Time Concluded:	5:12 p.m.
	)	Time in Court:	28 Minutes

Hearing on: Status Conference

1. Cases Pending in the MDL

There are 546 cases currently pending in the MDL.

2. Cases Dismissed

Stipulations have been filed or will soon be filed in 254 cases.

3. February 14, 2014 Orders to Show Cause

On February 14, 2014, the Court issued two orders to show cause related to 32 cases in which defense counsel had attempted to communicate settlement offers to plaintiffs or had successfully communicated an offer but had received neither acceptance nor rejection of the offer from plaintiffs. (*See* Order to Show Cause, Feb. 14, 2014, Docket No. 6577; Order to Show Cause, Feb. 14, 2014, Docket No. 6578.)

Responses to those orders were due on March 17, 2014. Timely responses were filed in 19 cases, untimely responses were filed in 4 cases, and no responses were filed in 9 cases. The Court will dismiss the 9 cases in which no responses were filed, and ordered defense counsel and plaintiffs' counsel in the 4 untimely cases to conduct settlement negotiations within the next two weeks.

4. Cases for Transfer

There are 8 cases in which the parties will stipulate to transfer, and 14 cases for transfer in which the plaintiffs are pro se and have affirmatively rejected settlement offers

5. Cases for Remand

There are currently 9 cases in which the parties will stipulate to remand, and 36 cases in which defense counsel will submit a proposed order to show cause why the case should not be remanded.

With respect to both transfer and remand defense counsel advised the Court that it should disregard stipulations for transfer and remand that were filed prior to the March 25 status conference, as they may reflect outdated information.

6. Pro Se Cases

Defense counsel indicated that with respect to a number of remaining pro se cases, it has made efforts to negotiate settlements, and in some cases has received no response of any kind from the plaintiffs. Defense counsel will prepare a proposed order to dismiss those cases for failure to prosecute.

Defense counsel also indicated that it anticipates another batch of cases – approximately 45 – in which plaintiffs' counsel has indicated they will move to withdraw. The Court will use the same procedure of an order to show cause that it used before to ascertain whether such plaintiffs wish to proceed with their cases either pro se or after obtaining new counsel. Once counsel have ascertained the group of cases to which they believe such an order would apply, they may provide that list to the Court.

7. Carey Danis Lowe Cases

Defense counsel reported that between 75 and 79 cases with the Carey Danis & Lowe law firm remain open.

8. Schedin Bond Release

Defense counsel submitted a proposed order to release the bond in the Schedin case, which has been finally resolved on appeal.

Next Status Conference: Monday, April 21, 2014 3:00PM

APPEARANCES:

Plaintiff: Ronald Goldser, David Cialkowski
Defendant: Tracy Van Steenburgh, Cort Sylvester
Phone: Kevin Fitzgerald, Ed Coleman, Michael Greene, Corey Sullivan

s/Heather Arent-Zachary
Courtroom Deputy Clerk