

**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,)		
)		
v.	)	Case No:	08-1943 JRT
	)	Date:	June 10, 2014
	)	Deputy:	Heather Arent-Zachary
	)	Court Reporter:	Kristine Mousseau
	)	Time Commenced:	3:23 p.m.
Defendant.	)	Time Concluded:	3:53 p.m.
	)	Time in Court:	30 Minutes

Hearing on: Status Conference

1. Cases Under Review

Defense counsel reported that a number of MDL cases remain under review or in various processes of the settlement stage. As paperwork and other necessary settlement actions are completed, defense counsel will continue to submit stipulations for dismissal in these cases.

2. Suggestion for Remand Order

Defense counsel has submitted a proposed order to the Court suggesting remand in 54 cases. The Court will enter this order with respect to the 54 cases as soon as possible.

3. Transfer Order

Defense counsel has also submitted a proposed order to the Court for transfer of 24 cases. This proposed order supersedes other motions for and stipulations to transfer that have been received by the Court to-date. The Court will enter this order with respect to the 24 cases as soon as possible.

4. Pro Se Cases

Defense counsel reported that in 9 cases the Court has entered orders allowing plaintiffs' counsel to withdraw. There are 29 cases in which the plaintiffs' attorney has filed a motion to withdraw as counsel, and that motion remains pending. Defense counsel anticipates that motions to withdraw will be filed in approximately 28 more cases. With respect to these cases, the Court will follow the same procedure adopted before with pro se and potentially pro se plaintiffs, using an order to show cause requiring plaintiffs to indicate whether they wish to move forward with their case. Defense counsel will submit a proposed order to show cause reflecting this procedure.

5. Carey Danis Lowe Cases

Defense counsel reported that there are attempting to acquire records for certain pro se plaintiffs that used to be represented by Carey, Danis, and Lowe in order to evaluate those cases for purposes of settlement.

The Court also discussed with counsel a Carey, Danis, Lowe case originally filed with multiple plaintiffs, in which the Central District of California entered an order dismissing all but the named plaintiff – Cleo Flauta. When the

case was transferred to this District a number of plaintiffs that were dismissed were and continue to be listed as active plaintiffs on the docket. The Court will take steps to conform the docket of this case to the California court's dismissal order.

6. Miscellaneous

Defense counsel reports that in some cases where the plaintiffs' attorney has filed a stipulation for dismissal the stipulations have only been filed in the main MDL case and not in the individual cases. Defense counsel is gathering information regarding the discrepancies created by these stipulations which did not have the effect of closing the individual cases, and will submit that information to the Court.

Defense counsel has also submitted motions to dismiss in two cases where a suggestion of death was made upon the record and time limit has passed for adding a plaintiff to act on behalf of the deceased plaintiff. The Court will grant these motions and file an order dismissing these cases.

7. End of MDL Date

Defense counsel anticipates that the MDL will be concluded soon.

Next Status Conference: Wednesday, July 16, 2014 3:00PM

APPEARANCES:

Plaintiff: Genevieve Zimmerman

Defendant: Tracy Van Steenburgh, Cort Sylvester

Phone: Douglas Whipple, Ed Coleman, Sharon Pickard

s/Heather Arent-Zachary
Courtroom Deputy Clerk