

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

**STATUS CONFERENCE**

In Re: Levaquin Products Liability	)	<b>COURT MINUTES</b>
Litigation,	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
Plaintiff,	)	
	)	Case No: 08-1943 JRT
v.	)	Date: July 16, 2014
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Debra Beauvais
	)	Time Commenced: 3:20 p.m.
Defendant.	)	Time Concluded: 3:42 p.m.
	)	Time in Court: 22 Minutes

Hearing on: Status Conference

**1. Cases Pending**

Defense counsel reported that there are currently 297 cases pending in the MDL. Approximately 104 of those cases have settled, but counsel is waiting on paperwork and other logistics to be completed before submitting stipulations for dismissal in those cases.

**1. Cases Under Review**

Defense counsel reported that in six cases they are still reviewing medical records to determine whether settlement offers should be made in those cases.

**2. Suggestion for Remand Order**

Defense counsel has submitted a proposed order to the Court suggesting remand in 54 cases. Defense counsel indicated that in four or five additional cases they have been unable to reach a settlement agreement, and therefore will be adding those cases to this proposed order. The Court will enter this order with respect to all of the cases for remand upon receiving these additional cases from Defense counsel.

**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 there are 76 cases in which the plaintiff is either pro se because the attorney's motion to withdraw from that case has been granted or in which motions to withdraw are currently pending that, if granted, would render the plaintiff pro se. Defense counsel will submit a proposed order to show cause with respect to these cases consistent with the procedure used by the Court regarding pro se cases earlier this week. Defense counsel noted that they would have their list of cases for this order finalized within the week, and should submit the proposed order to show cause once the final list is ready.

**5. Dismissal for Lack of Response**

Defense counsel indicated that there are three cases where they have tried to negotiate, extended offers, and those offers have now been outstanding for 6 weeks, without any communication from plaintiffs' counsel. Defense counsel indicated that they will seek dismissal of these cases if there is no response, or request that the Court issue an order to show cause why these cases should not be dismissed, but will provide plaintiffs' counsel a little more time to respond before seeking such relief.

**6. Flauta Case**

Defense counsel also discussed the *Flauta* case – a case in which the Carey, Danis and Lowe law firm filed a case naming 950 plaintiffs. Prior to being transferred to this District, the Central District of California issued an order dismissing all but the named plaintiff. When the case was transferred to this District a number the plaintiffs that had been dismissed in the California action were listed as plaintiffs on the docket. Currently, about half of those plaintiffs are listed as terminated and half remain as active plaintiffs. Counsel indicated that administratively, this District's docket should be cleaned up to reflect that the currently live plaintiffs (with the exceptions of Flauta and Ms. Pickard – a pro se plaintiff who was granted leave by the Court to proceed) have been dismissed. Counsel indicated that they will reviewing the briefing in the California action to verify the basis for dismissal, and will confer to ascertain which of the plaintiffs in that Flauta action ever received notice from Carey, Danis and Lowe regarding that dismissal or withdrawal letters from the firm. The Court will wait to take action on this matter until counsel has reported their findings.

**Next Status Conference: Wednesday, September 3, 2014**

**APPEARANCES:**

Plaintiff: Genevieve Zimmerman  
Defendant: Tracy Van Steenburgh, Cort Sylvester  
Phone: Douglas Whipple, Suzanne Mabie for Brenda Fulmer, Sharon Pickard

s/Heather Arent-Zachary  
Courtroom Deputy Clerk