

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In Re: LEVAQUIN PRODUCTS  
LIABILITY LITIGATION

MDL No. 08-1943 (JRT)

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This Document Relates to:  
  
ALL ACTIONS

**ORDER TO SHOW CAUSE  
REGARDING PROPOSED PRO SE  
PLAINTIFFS**

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Counsel for individual Plaintiffs have filed motions to withdraw in numerous cases in this multidistrict litigation. Exhibit A to this Order contains cases in which either (1) a motion to withdraw has been filed, but has not yet been ruled upon by the Court or (2) counsel has indicated that they intend to file a motion to withdraw. If these motions and proposed motions were granted, the Plaintiffs listed in Exhibit A would become pro se.

As the multidistrict portion of this litigation draws to a close, the Court desires to ascertain which of the Plaintiffs listed in Exhibit A wish to pursue their claims to trial. To accomplish this purpose, the Court will use the Declaration of Intent Form attached to this Order at Exhibit B. The Declaration of Intent Form requires each Plaintiff to indicate whether he or she intends to pursue his or her lawsuit, or whether he or she would like the Court to dismiss the lawsuit. If a Plaintiff listed in Exhibit A indicates that he or she would like his or her lawsuit dismissed or does not respond to this Order within sixty (60) days, the Court will dismiss that Plaintiff's case without prejudice.

**ORDER**

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiffs' Liaison Counsel shall send a copy of this Order and Exhibit B to counsel for the Plaintiffs listed in Exhibit A to this Order.
2. All Plaintiffs listed in Exhibit A to this Order must either individually, or through their counsel, return their Declaration of Intent Form to: Levaquin Plaintiffs' Liaison Counsel at Zimmerman Reed, Suite 1100, 80 South Eighth Street, Minneapolis, MN 55402, on or before November 11, 2014, indicating whether they wish to continue litigating their lawsuit or have their lawsuit dismissed.
3. Failure to return the Declaration of Intent Form by November 11, 2014 will result in that Plaintiff's lawsuit being dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).
4. If counsel for Plaintiffs listed in Exhibit A are unable to contact their clients or otherwise obtain authority from their clients to complete the Declaration of Intent Form, counsel shall submit a letter to Plaintiffs' Liaison Counsel at the address listed above by November 11, 2014 with a list of the clients for whom counsel has been unable to timely submit the Declaration of Intent Form.

DATED: September, 12, 2014  
at Minneapolis, Minnesota.

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s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge

**EXHIBIT A**

<b><u>No.</u></b>	<b><u>Plaintiff</u></b>	<b><u>MDL Court File #</u></b>	<b><u>Plaintiff's Address</u></b>	<b><u>Plaintiff's Counsel</u></b>
1	<b>Allen, Georgia</b>	10-4017	5101 Hwy 1 West Watson, AR 71674	Law Office of Joseph V. Gibson, P.C.
2	<b>Bardin, Statia</b>	11-0796	111 John Rust Road Indian Lake, NY 12842	Lewis Saul & Associates
3	<b>Boykin, William</b>	09-2755	2106 Villaret Drive Huntsville, AL 35803	Reich & Binstock, LLP
4	<b>Cloutier, Edward</b>	11-3078	3108 W. River Cove Drive Tampa, FL 33614	McEwen Law Firm
5	<b>Dickson, Maurice</b>	10-0864	142 Via Paradisio Palm Beach Gardens, FL 33418	Johnson Becker
6	<b>Eddington, Homer</b>	12-2927	2122 La Costa Village Blvd. Port Orange, FL 32129	The Driscoll Firm
7	<b>Fehr, Lee</b>	11-2012	8680 SE Harbour Island Way, Jupiter, FL 33458	Johnson Becker
8	<b>Fernandez, Marina</b>	09-3233	10899 Southwest 68 Drive Miami, FL 33173	Alters Law Firm
9	<b>Fisher, Jodi</b>	08-2248	40 Voss Terrace Newton Center, MA 02459	Lewis Saul & Associates
10	<b>Gallagher, Steve</b>	10-0248	39 Moose Hill Road Trumbull, CT 06611	TorHoerman Law
11	<b>Gasper, Suzanne</b>	10-2820	2668 Cobble Circle, Apt. 3, Moraine, OH 54539	Lewis Saul & Associates
12	<b>Ghafouri, Manouchehr &amp; Parisa</b>	11-0231	3287 Cobbs Drive Palm Harbor, FL 34684	Searcy Denney

**EXHIBIT A**

<b><u>No.</u></b>	<b><u>Plaintiff</u></b>	<b><u>MDL Court File #</u></b>	<b><u>Plaintiff's Address</u></b>	<b><u>Plaintiff's Counsel</u></b>
13	<b>Glazer, Manuel</b>	12-1316	14526 Coeur D'Alene Court, Chesterfield, MO 63017	The Driscoll Firm
14	<b>Hammann, Jack</b>	10-0250	155 De Sales Avenue Mobile, AL 36607	TorHoerman Law
15	<b>Horinek, James</b>	11-0357	2095 Roundup Drive Missoula, MT 59808	TorHoerman Law
16	<b>Huff, Sanando</b>	11-0988	7902 Tyler Street Lanham, MD 20706	Lewis Saul & Associates
17	<b>Katz, Sharon</b>	10-2789	2324 Old Welsh Road Willow Grove, PA 19090	TorHoerman Law
18	<b>Mackey, Cathy- Esther</b>	11-0121	8072 Athena Street Springfield, VA 22153	Lewis Saul & Associates
19	<b>Magin, Ronni</b>	11-1402	1029 East 13 <sup>th</sup> Street Brooklyn, NY 11230	Lewis Saul & Associates
20	<b>McAlister, John</b>	11-1197	P.O. Box 2113 Shelby, NC 28150	Lewis Saul & Associates
21	<b>Michalec, Kara</b>	11-0097	3128 LaPort Street Highland, IN 46322	Walsh Knippen
22	<b>Moore, Stephanie</b>	11-3566	400 Bonn Court Westminster, MD 21157	Michael S. Greene, P.A.
23	<b>Murphy, Janet</b>	11-1345	13405 Shoal Creek Road Ashville, AL 35953	Reich & Binstock, LLP
24	<b>Necessary, Danny</b>	10-0113	P.O. Box 1193 Kingsport, TN 37662	Johnson Becker
25	<b>Newman, Russell</b>	11-3079	217 Deer Run Trail	McEwen Law Firm

**EXHIBIT A**

<b><u>No.</u></b>	<b><u>Plaintiff</u></b>	<b><u>MDL Court File #</u></b>	<b><u>Plaintiff's Address</u></b>	<b><u>Plaintiff's Counsel</u></b>
			Manchester, CT 06042	
26	<b>Reith, Crystal</b>	11-1689	13147 39 <sup>th</sup> Avenue Chippewa Falls, WI 54729	Lockridge Grindal
27	<b>Ross, Robert</b>	10-0386	2103 Falcon Mine Road P.O. Box 2328 Murphys, CA 95247	Lewis Saul & Associates
28	<b>Skiff, Michael</b>	11-0828	1634 Longbranch Avenue Grover Beach, CA 93433	Bertram Graf
29	<b>Sudano, Renee</b>	10-2794	512 Ore Street Ellwood, PA 16117	TorHoerman Law
30	<b>Szezorak, Eugene</b>	10-2623	140 Bridge Street Honesdale, PA 18431	TorHoerman Law
31	<b>Whaley, Sondra</b>	10-4290	421 Ashbury Lane Lemont, IL 60439	Lewis Saul & Associates
32	<b>Williams, Ronny</b>	10-2800	702 Boligee Street Eutaw, AL 35462	TorHoerman Law
33	<b>Wimmer, Beverly</b>	09-1058	7760 Oakurst Circle Brecksville, OH 44141-1122	Lockridge Grindal
34	<b>Zellinger, James</b>	10-4543	23 Brookglen Lane Greensboro, NC 27410	Lewis Saul & Associates

**EXHIBIT B**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In Re: LEVAQUIN PRODUCTS  
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This Document Relates to:  
  
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**DECLARATION OF INTENT FOR  
PROPOSED PRO SE PLAINTIFFS**

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The Court has ordered that I indicate whether I wish to proceed litigating my claims or whether I wish to have my case dismissed. In response to the Court's Order, I would like to do the following: (please initial by your selection)

       **I would like to continue litigating my case.** I know that if I do not obtain another attorney, I will be responsible for representing myself in the litigation. I understand that I will be responsible for all the costs of conducting such litigation. I understand that if I am successful I may be able to recover some of these costs. I also understand that if I am not successful, I may be required to pay some of the Defendants' costs of litigation. I realize that if I choose to proceed with litigation, my case may be subject to transfer or remand from the District of Minnesota to the district where I reside or where the events surrounding my use of Levaquin occurred.

       **I would like my case to be dismissed without prejudice.** A dismissal without prejudice means that the Court will close my case. My case will not go to trial and I will have no other obligations or responsibilities regarding the litigation. I

understand that I might be able to bring my case again at some time in the future if the statute of limitations has not expired.

Signed: \_\_\_\_\_

Print name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

Date: \_\_\_\_\_