

**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: December 11, 2014
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 9:52 a.m.
Defendant.	)	Time Concluded: 10:13 a.m.
	)	Time in Court: 21 Minutes

Hearing on: Status Conference

**1. Cases Pending**

Defense counsel reported that there are currently 196 cases pending in the MDL. Many of those cases have been settled, but Defense counsel is waiting on a few final matters before filing stipulations for dismissal.

**2. Offers Outstanding**

Defense counsel reports that they have only one offer currently outstanding.

**3. Remanded cases**

The Judicial Panel on Multidistrict Litigation (“JPML”) recently entered a conditional remand order for the 56 cases the Court determined were ready for remand. The conditional remand order references JPML Rule 10.4, which provides that the parties must present the Clerk of the District of Minnesota with a stipulation or designation of the contents of the record to be remanded, which will be used to furnish the record to the transferee courts. The Court determined that Defense counsel and liaison counsel for plaintiffs will reach a global agreement on what should be included in the stipulation or designation, but Defense counsel will make sure that individual plaintiffs have a way to contact liaison counsel or Defense counsel should plaintiffs have any questions. Part of the record designated for the transferee courts will be the summary prepared by the Court and included with the final pretrial order and suggestion of remand that was sent to individual plaintiffs and the JPML.

**4. Transferred Cases**

21 cases have been transferred.

**5. Pro Se Cases**

The deadlines for 46 orders to show cause have now passed. Defense counsel indicated that they will be preparing proposed orders of dismissal for 32 or more of those cases. Six plaintiffs have indicated that they wish to proceed with their case, and Defense counsel will proceed with those cases in accordance with their past practice, by

reaching out to the plaintiffs, all of whom Defense counsel indicated have likely been considered for settlement in the past. Since the last status conference, Carey, Danis & Lowe moved to withdraw as counsel from 30 cases. The Court sent letters to those plaintiffs on December 5, 2014, to ensure the plaintiffs are aware of the situation and to determine whether those plaintiffs would like to proceed. Defense counsel stated that the pro se cases are nearly completed at this point.

**6. Miscellaneous**

Defense counsel reported that they have repeatedly attempted to contact counsel for three represented plaintiffs, without success, including at least one who previously stated in response to an order to show cause that they would like to proceed with their case. Defense counsel explained that a significant period of time has passed and that Defense counsel would like to propose an order to show cause for those three cases. The Court granted that request.

**Next Status Conference: Tuesday, February 3, 2015, time to be determined.**

**APPEARANCES:**

Plaintiff: Jacqueline Olson  
Defendant: Tracy Van Steenburgh, Cort Sylvester  
Phone: Daniel Diaz, Thomas Knight

s/Heather Arent-Zachary  
Courtroom Deputy Clerk