

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In Re: Mirapex Products Liability Litigation

MDL 07-1836 JMR/FLN
and Related Cases (See Attached
List)

SUPPLEMENTAL NOTICE OF CASE
MANAGEMENT CONFERENCE

TO ALL COUNSEL OF RECORD

A case management conference is scheduled before the undersigned Magistrate Judge on August 14, 2007, at 9:00 a.m. in Chambers 9W, United States Courthouse, 300 South 4th Street, Minneapolis, Minnesota. Counsel have been directed to meet and confer before this conference and be prepared to discuss dates for the progression of the remainder of cases that have been filed since the last Rule 16 pretrial conference was conducted. This supplemental notice is intended to better focus the parties preparation prior to that conference and to narrow the issues to be discussed at the conference.

On June 22, 2007, the Judicial Panel on Multidistrict Litigation (“Panel”) consolidated and transferred Mirapex Product Liability cases to this Court. At the time of consideration by the Panel, 58 actions were pending nationwide, 54 of which were already pending before this Court. The Transfer Order [#1] directed that the four cases not before this Court be transferred for “coordinated or consolidated pretrial proceedings with the actions pending in [this Court].” In the Transfer Order [#1], the Panel concluded that this Court is the proper transferee forum “because i) [this Court] has the most advanced of the 58 actions; ii) the judge there has had an opportunity to become familiar with the litigation; and iii) Minneapolis is easily accessible.”

In addition to the 58 cases expressly addressed in the Transfer Order [#1], the Panel noted that it had been made aware of over 50 related actions to be treated, along with any other related actions, as “potential tag-along actions,” under Rules 7.4 and 7.5 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. As of August 1, 2007, this Court counts no fewer than 147 cases which have been designated as “member cases” under the lead case, In Re: Mirapex Products Liability Litigation, 07-md-1836. There appear to be 68 other cases designated by the clerk as “related” to one of the member cases, Selinsky, 06-cv-873.¹

Prior to the consolidation and transfer by the Panel, this Court had issued Pre-Trial Scheduling Orders in three groups of approximately fifteen cases per group. The three Pre-Trial Scheduling Orders [06-cv-873, #23; 06-cv-2546, #56; 06-cv-3778, #21] have the first group scheduled to be ready for trial in March 2008, the second group scheduled to be ready for trial in July 2008, and the third group scheduled to be ready for trial in January 2009. The Amended Pretrial Schedule for the first group of cases [06-cv-873, #25 as clarified by Order of September 7, 2006, #45] set forth limitations for discovery that have been adopted in the subsequent scheduling orders.

Prior to the case management conference, the parties shall meet, discuss and attempt to reach agreement on the following agenda items:

1. What impact, if any, the Multidistrict Litigation Transfer Order has on the manner in which the Court has managed the cases already in progress before this Court;
2. Whether any or all of the documents previously filed in the Minnesota cases should be filed under the instant MDL number;
3. The likelihood that more cases will be transferred from other districts in the future or filed

¹These 68 cases appear to be the “more than 50 related actions” referred to in the Transfer Order [#1]. It appears that these cases were filed while the Panel had this matter under advisement.

in the future in this district; if so, how many;

4. Whether the current pretrial management plan of staggering cases in groupings should continue for all current and future filed Mirapex cases or whether the Court should adopt a different pretrial management technique;
5. The nature of the trial proceedings in the Mirapex cases; for example, whether there are issues common to all of the cases that should be tried separately from other issues that are not common to all cases; whether there are representative cases that should be selected for trial to enable the parties to evaluate whether remaining cases should be settled or tried; or whether some other trial technique should be employed to achieve a just, speedy and inexpensive determination of these cases;
6. The organization of counsel. Each side should be prepared to submit to the Court at the conference a proposed Order designating lead and liaison counsel and outlining the responsibilities of each, as well as establishing any leadership committees that counsel conclude would facilitate the just, speedy and inexpensive determination of these actions. If counsel are not able to agree among themselves, the competing factions should submit their respective proposals to the Court, which will thereafter issue an order regarding the organization of counsel;
7. Any other matter counsel conclude should be brought to the attention of the Court to facilitate the just, speedy and inexpensive determination of these actions.

DATE: August 2, 2007.

s/ Franklin L. Noel
FRANKLIN L. NOEL
United States Magistrate Judge

Cases with pretrial schedule:

Selinsky	06-873
Zwayer	06-874
Dubaich	06-875
Nelson	06-876
Webb	06-898
Harms	06-899
Estep	06-900
Conway	06-901
Scharpen	06-1206
Charbonneau	06-1215
Cain	06-1582
Quintela	06-1675
Fayard	06-2144
Dodd	06-2145
Averitt	06-2194
Courtney	06-2546
Bloom	06-2577
Anderson	06-2578
Frye	06-2662
Harris	06-3009
Hayward	06-3180
Neal	06-3182
Bronson	06-3254
Seaman	06-3255
Vingers	06-3284
Conejo	06-3519
Erickson	06-3526
Kite	06-3527
Wagner	06-3537
Haughey	06-3539
Rush	06-3544
Milam	06-3778
Kanuch	06-3839

Berger	06-4358
Mayer	06-4366
King	06-4502
Konrad	06-4699
Purser	06-4783
Goldman	06-4784
Holmes	06-4785
Saracco	06-4827
Stutz	06-4828
Deleo	06-4869
Markel	06-4871
Shows	06-4949
Glancy	06-5123

Cases without pretrial schedule:

Celorie	06-4868
Chamberlain	06-4870
Pearce	06-4944
Michels	06-4945
Emery	06-4946
Brown	06-4947
Gage	06-4948
Lee	07-39
Buckstein	07-591
LaBella	07-592
Berlow	07-655
Newton	07-656
Campanale	07-658
Amavisca	07-845
McKinney	07-846
deBrito	07-847
Maisch	07-886
Smith	07-888
Kozielecki	07-890
Hearn	07-973

Carroll	07-974
Gray	07-975
Telebar	07-1073
Chandler	07-1074
Walker	07-1075
Fleischman	07-1076
Wheeling	07-1144
McKee	07-1145
Manson	07-1146
Ham	07-1176
Storey	07-1177
Carlton	07-1178
Maras	07-1179
Schnaser	07-1293
Thurston	07-1294
Rohman	07-1305
Camacho	07-1646
Hanson	07-1647
Lungo	07-1664
Corsaro	07-1665
Warren	07-1666
Munn	07-1669
Kiesz	07-1670
Rosenwinkel	07-1671
McKee	07-1694
Hosford	07-1695
Bensinger	07-1696
Leiberman	07-1697
McIntyre	07-1698
Nelson	07-1704
Vastano	07-1705
Nickla	07-1706
Nichols	07-1992
Mace	07-1993
Davis	07-1994

Allen	07-2125
Ovalles	07-2126
Hayes	07-2127
Otto	07-2128
Bigelow	07-2321
Nardacci	07-2474
Pentima	07-2475
Phillips	07-2476
Cunningham	07-2516
Pachuta	07-2517
Morinelli	07-2518
Rosenstine	07-2519
Samuels	07-2520
Allen	07-2684
Lamb	07-2727
Preston	07-2728
Mulvihill	07-2729
Iberg	07-2730
Elrod	07-2731
Casarez	07-2732
Centeno	07-2733
Losh	07-2942
Link	07-2949
Polk	07-2950
Davis	07-2968
Willhite	07-3023
English	07-3026
Hoole	07-3027
Rodriguez	07-3034
Schropp	07-3035
Kurzawinski	07-3055
Welch	07-3056
Hoeppner	07-3057
Risi	07-3058

Veverka	07-3059
Kennedy	07-3060
Enders	07-3061
Chavel	07-3062
Debaud	07-3063
Augustine	07-3064
Randles	07-3065
Flagg	07-3066
Patrick	07-3067
Auger	07-3068
Bottiglieri	07-3077
Livingston	07-3078
Jackson	07-3080
Andresen	07-3082
Shafer	07-3093
Klevan	07-3094
Jennings	07-3095
Konen	07-3096
Lucarell	07-3097
Lazevnick	07-3098
Summey	07-3099
Braun	07-3100
Palmer	07-3101
Bische	07-3102
Modafferi	07-3103
Steckel	07-3104
Coates	07-3105
Glasgow	07-3106
Gray	07-3107
Manjarres	07-3108
Merritt	07-3109
Orrantia	07-3110
Mills	07-3111
Trahan	07-3113
Paolella	07-3114

Weaver	07-3115
Williams	07-3116
Witte	07-3117
Jones	07-3118
Edmundson	07-3123
Martin	07-3124
Gilliam	07-3125
Modica	07-3126
Vickers	07-3127
Frisina	07-3128
Jiminez	07-3129
Reade	07-3131
Patterson	07-3143
Hyter	07-3144
Still	07-3145
Staples	07-3146
Ankiewicz	07-3147
Davis	07-3148
Brinkley	07-3149
Buenaseda	07-3150
Mansfield	07-3151
Tapscott	07-3152
Roberts	07-3166
Grubidt	07-3167
Bradshaw	07-3168
Emerson	07-3183
Baldwin	07-3256
Bedrossian	07-3257
Macabuhay	07-3258
Versluis	07-3259
Gibson	07-3260
Gibson	07-3261
Russo	07-3262
Semer	07-3263
Kessler	07-3264

Simmons	07-3267
Smith	07-3284
Sutton	07-3285
Spangler	07-3286
Jaeger	07-3287
Plummer	07-3288
Cruce	07-3289
Felber	07-3290
Hauss	07-3543
Downing	07-3544
Sturm	07-3545
Barrido	07-3546
Hahn	07-3547