

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

**STATUS CONFERENCE**

In Re: Levaquin Products Liability Litigation,	)	<b>COURT MINUTES</b>
	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
Plaintiff,	)	
	)	Case No: 08-1943 JRT
v.	)	Date: October 17, 2008
	)	Deputy: Holly Morley
	)	Court Reporter: Ron Moen
	)	Time Commenced: 12:35 p.m.
Defendant.	)	Time Concluded: 1:15 p.m.
	)	Time in Court: 40 Minutes

Hearing on: **Status Conference**

The Court held a formal status conference in In Re Levaquin Liability Litigation on October 17, 2008. Appearing on behalf of the plaintiffs were Ronald Goldser, Lewis Saul, and David Cialkowski. Appearing on behalf of the defendants were John Dames, Tracy Van Steenburgh, and Mike Hutchens. The topics for the status conference included (1) the anticipated scope of the MDL; (2) pretrial orders on various case procedures; (3) discovery; and (4) bellwether trials. As to the scope of the MDL, the parties indicated that there have now been more than 30 cases filed as part of the MDL. The parties also indicated that there have been at least 3 state cases filed. The Court intends to contact the judges handling the state cases to ensure they are aware of the MDL. As to pretrial orders, the Court indicated that the first pretrial order -- dealing with the organizational structure for both plaintiffs' and defendants' attorneys, as well as with various filing procedures -- will likely be filed shortly. In addition, the parties anticipate submitting a proposed order concerning depositions in the near future. The Court indicated that the order should allow for up to 2 questioners for each witness and that the parties should be permitted to film both the witness and the questioner. Finally, the plaintiffs anticipate submitting a proposed Common Benefit Fee and Cost Sharing Order. As to discovery, the parties indicated that issues on the horizon include a new drug application, a marketing partner of Johnson & Johnson that operated in Europe (Aventis), and documents from an earlier patent trial involving Levaquin. The parties do not yet require a ruling from the Court on these issues. As to bellwether trials, the parties discussed a proposal by the plaintiffs suggesting that this Court front-load discovery on eight cases that were filed in Minnesota, and ultimately choose bellwether trials from those cases. The defendants have objected, suggesting that they are not yet in a position to judge whether these eight cases would be appropriate bellwether trials. The Court directed the plaintiffs to provide the defendants with fact sheets concerning all eight of these cases. The defendants will then provide the Court with a counter-proposal concerning bellwether trials and case-specific discovery. The Court set the next status conference for December 15, 2008, at 1:00 p.m.

**APPEARANCES:**

Plaintiff: Ronald Goldser, Lewis Saul, David Cialkowski  
Defendant: John Dames, Tracy Van Steenburgh, Mike Hutchens,

s/Holly A. Morley  
Calendar Clerk