

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: LEVAQUIN PRODUCTS
LIABILITY LITIGATION

MDL No. 08-1943 (JRT)

This Document Relates to:

ALL ACTIONS

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

Since 2008, actions involving alleged tendon injuries resulting from the use of Levaquin® have been consolidated with this Court as part of a multidistrict litigation to allow for coordinated, more efficient pretrial proceedings. During those pretrial proceedings, the Court has granted numerous motions to withdraw in cases, causing the Plaintiffs in those cases to be pro se (that is, representing themselves without an attorney). Attached to this Order as Exhibit A is a list of cases in which the Plaintiffs are pro se.

As the multidistrict portion of this litigation draws to a close, the Court desires to determine 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 as Exhibit B. The Declaration of Intent Form requires each Plaintiff to indicate whether he or she intends to pursue his or her claim, 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 each Plaintiff listed in Exhibit A to this Order.
2. All pro se Plaintiffs listed in Exhibit A to this Order must 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).

DATED: September 12, 2014
at Minneapolis, Minnesota.

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

EXHIBIT A

No.	Plaintiff	MDL Court File #	Plaintiff's Address
1	Colonna, Lorrie	11-1594	11349 South FM 372 Valley View, TX 76272
2	Diaz, Daniel	11-2798	233 Logan Drive Phenix City, AL 36869
3	Harris, Dorothy	11-2640	817 Serville Drive Jackson, MS 39206
4	Johnson, Stephanie	11-0355	706 S. Paul Drive Cahokia, IL 62206
5	Kelter, Patricia	11-2641	51 – 77 th Street Brooklyn, NY 11209
6	Lang, Janice	11-2642	7139 West Appleton Avenue Milwaukee, WI 53216
7	Lund, Constance	11-2644	1325 Wedgewood Eau Claire, WI 54703
8	Martino, Anna	11-2646	56 Columbia Avenue Hastings, NY 10706
9	Miller, Brenda	11-2647	P.O. Box 395 Van Buren, AR 72957
10	Montigny, Ann	11-2648	207 Sabin Street, Apartment 70 Putnam, CT 06260
11	Pearson, Deloris	11-2651	1392 East 3 rd Avenue Bayshore, NY 11706
12	Pearson, Peter	11-2652	1392 East 3 rd Avenue Bayshore, NY 11706
13	Salters, Holly	11-2655	12101 Ridgeland Road Vanceleve, MS 39565

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: LEVAQUIN PRODUCTS
LIABILITY LITIGATION

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ALL ACTIONS

**DECLARATION OF INTENT FOR
PRO SE PLAINTIFFS**

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: _____