

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAYCOL PRODUCTS LITIGATION)	MDL No. 1431 (MJD)
This Document Relates To:)	
)	
All Actions)	
)	

**JOINT STATUS REPORT
April 26, 2010**

I. PENDING CASES

As of April 22, 2010, defendants have been served with approximately 168 Baycol cases that remain active, down from approximately 14,800 cases ever filed in this litigation. The active cases include three (3) cases filed in or removed to federal court, down from approximately 9,100 cases. Those three cases are:

1. *United States of America ex rel. Laurie Simpson v. Bayer Healthcare d/b/a Bayer Healthcare Pharma.*, No. 08-5758 (D. Minn.), in which a the fully-briefed motion to dismiss will be argued the morning of April 26;
2. *Melinda Torres v. Bayer Corp.*, No. 09-1964 (8th Cir.), in which oral argument took place on March 11, 2010;
3. *Keith Smith v. Bayer Corp.*, No. 09-1205 (S. Ct.), in which a Petition for a Writ of Certiorari was filed on April 5, 2010.

The number of active cases in federal court excludes one case that has settled, but for which an order for dismissal has not yet been submitted.

II. SETTLEMENT

A. Defendants have settled 3,144 cases with a total value of \$1,169,646,335. Of this total, 989 cases have been determined to be subject to the MDL assessment.¹

B. As of the last status conference (in November of 2008), defendants had settled 3,134 cases with a total value of \$1,168,233,835. Of this total, 979 cases had been determined to be subject to the MDL assessment, with a total value of \$365,232,920.

III. DISCOVERY

There are no MDL cases engaged in active discovery

IV. TRIAL SETTINGS

No Baycol cases are set for trial.

V. MOTIONS

The only outstanding motion in this MDL is the Motion to Dismiss in *United States of America ex rel. Laurie Simpson v. Bayer Healthcare d/b/a Bayer Healthcare Pharma.*, No. 08-5758.

Respectfully submitted,

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¹ The total value of these 989 cases subject to the MDL assessment is still being verified and will be provided to the Court and the PSC at the April 26, 2010 status conference.