

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

STATUS CONFERENCE

In Re: Fluoroquinolone Products Liability	)	COURT MINUTES
Litigation,	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
Plaintiff,)	
	)	Case No: 15-2642 JRT
v.	)	Date: January 12, 2016
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 1:40 pm
Defendant.	)	Time Concluded: 2:16 pm
	)	Time in Court: 36 Minutes

Hearing on: Status Conference

The Court held a formal status conference in *In Re Fluoroquinolone Products Liability Litigation* on January 12, 2016. The parties reported the total number of cases currently pending. The parties anticipate additional filings. The parties noted that there are pockets of related state court filings in Pennsylvania and California state courts.

1. Timing for Counsel Applications

The parties discussed the proposed timing for appointment of lead counsel, the plaintiffs' steering committee, and liaison counsel, stating that:

- Applications and nominations are to be filed no later than January 26, 2016
- Objections to any application must be filed no later than February 2, 2016

2. Pretrial Order

The parties discussed recommendations for Pretrial Order #1. With regard to pending motions, the parties suggested that pending motions filed in cases before they were transferred no longer be considered pending. With regard to pleadings, the parties suggested that the Plaintiffs' Steering Committee file a master complaint within 60 days. Then, within 30 days, individual plaintiffs would file short form complaints. The parties suggested that they would meet and confer about the form that short form complaints would take. Defendants could then move to dismiss individual complaints, and file an omnibus response.

Defendants indicated that statutes of limitations issues would arise in many of the underlying cases moving forward. Defendants suggested that plaintiffs include identification of usage dates.

The parties suggested that attorneys be able to proceed *pro hac vice* subject to certification by counsel that they are in good standing in any U.S. District Court. The parties suggested that plaintiffs' counsel would submit a waiver of service to defendants' counsel within 30 days of filing, and then within the period prescribed by the rules, defense counsel would return the waiver. The parties noted that there was a disagreement over how to handle direct filing.

The Court requested that the parties submit a draft pretrial order addressing agreed upon issues. The Court would then work toward an amended pretrial order once leadership decisions are made, and further agreements are reached. The Court noted that it would prefer a diverse leadership group, and suggested including some participants without significant experience. The Court noted that a website would be set up and updated for the MDL.

3. Future status conferences/status of MDL

Next Status Conferences: Wednesday, February 24, 2016 at 1:30pm and Tuesday, March 15, 2016 at 1:30pm.

APPEARANCES:

Plaintiff: Yvonne Flaherty, Russell Bud, Gregory Malush, Olga Viner, Matthew Sill, Laurent Welling, Andrea Hirsch, Tad Thomas, Vance Andrus, R. Jason Richards, Christopher Nidel, Thomas Sims, David Wool, Bill Robbins III

Defendant: Tracy Van Steenburgh Cort Sylvester, Cicely Miltich, Andrew Solow, Arthur Brown, James Murdica, Lori Leskin

On the phone: Dean Atyia, Jenya Moshkovich, Karen Allen, Elise Sanglinetti, Kristen Barton, Ahmed Dyad

s/Heather Arent-Zachary
Courtroom Deputy Clerk