

**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: February 24, 2016
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 1:39 pm
Defendant.	)	Time Concluded: 2:12 pm
	)	Time in Court: 33 Minutes

Hearing on: Status Conference

1. Status of Applications for Appointment of Lead Counsel

Plaintiffs' counsel reported that an omnibus motion for appointment of lead counsel was filed. The deadline for objections to that motion is Friday, February 26, 2016. Plaintiffs' counsel will then submit a proposed order for the Court to consider.

2. Status of Federal and State Court Filings

The parties represented that there are currently 425 cases filed in the MDL. Of those cases, 289 relate to Jansen, 136 relate to Bayer, and 58 relate to both defendants. Five cases involve conditional transfer orders. Some cases remain pending in state court, including one case in California, 28 cases in Pennsylvania, and one case in New Jersey. Defense counsel reported that she expected some coordination between plaintiffs in the MDL and the state court actions because there is overlap in counsel. Additionally, the parties reported that there are six complaints involving 325 plaintiffs currently in Oklahoma, in which there has been consent to removal and which will be transferred into the MDL.

3. Status of Motions for Remand

The parties reported that four cases had motions for remand pending before they were transferred into the MDL. The parties inquired into the proper procedure for the Court to consider the motions for remand. The Court stated that the parties will have to refile the motions and establish a briefing schedule. Then, the motions could be argued at a later status conference.

4. Pre-Trial Order on Master Pleadings and Form of Short Form Complaint

The parties submitted a proposed Pre-Trial Order Number 3 to the Court with two areas of disagreement. Since that time, the parties have resolved one of the disagreements, and will submit a new proposed order with changes. However, the parties continue to disagree on the portion of the order describing the requirements for plaintiffs' short form complaints. The parties discussed the disagreement before the Court. The dispute centers around whether plaintiffs alleging liability based on branded products after certain dates must provide a supporting prescription record along with their short form complaints. Plaintiffs' counsel argued that requiring this information in the short form complaint is inappropriate, among other arguments. Defense counsel contends that the information would be helpful to quickly deal with the statute of limitations defenses, among other arguments. Defense counsel may provide the Court with written submissions on the issue by Wednesday, March 2, 2016. The plaintiffs will have until Wednesday, March 9, 2016 to respond, and then the defendants may reply by Monday, March 14, 2016.

5. Entry of Deadlines for Proposed Pre-Trial Orders on Other Matters

The parties also reported that they anticipated further proposed pretrial orders on issues including: a protective order, ESI protocol, a preservation order, and a case management plan. Plaintiffs' counsel suggested requiring joint submission or competing proposals three days before the next status conference. Defense counsel suggested that the parties meet and confer on these orders, but suggested that the next status hearing may be too soon to reach an agreement on them. The Court emphasized that the parties should work to keep these issues moving quickly, and that the parties should meet and confer on these orders.

Upcoming Status Conferences: Tuesday, March 15, 2016 at 1:30 PM; Wednesday, April 13, 2016 at 1:30 PM; and Tuesday, May 17, 2016 at 3:00 PM.

APPEARANCES:

Plaintiffs: Yvonne Flaherty, Russell Bud, Gregory Malush, Olga Viner, Lauren Welling, Tad Thomas, Vance Andrus, Christopher Nidel, Thomas Sims, David Wool, Bill Robbins III

Defendants: Tracy Van Steenburgh Cort Sylvester, Cicely Miltich, Joseph Price, Andrew Solow, John Winter, James Murdica, Lori Leskin

On the phone: Dave Lee, Danielle Moskowitz, Jamie Goldstein, Lindsay Cordes, Julie Park, Thomas Kurland, Katie Griffin, James Capretz, Ahmed Diab, Karen Allen

s/Heather Arent-Zachary
Courtroom Deputy Clerk