

**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: March 15, 2016
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Kristine Mousseau
	)	Time Commenced: 1:47 pm
Defendant.	)	Time Concluded: 2:35 pm
	)	Time in Court: 48 Minutes

Hearing on: Status Conference

1. Status of Applications for Appointment of Lead Counsel

The Court stated that it was satisfied with much of the Plaintiff's proposed leadership structure. However, the Court requested that counsel consider adding a women attorney to the Plaintiffs' Executive Committee. Plaintiffs' counsel agreed, and recommended adding Yvonne Flaherty to the committee, in addition to her role as Plaintiffs' Liaison Counsel. The Court agreed with the proposal, and directed Plaintiffs' counsel to submit a revised Pretrial Order No. 4 reflecting the change, which it would then consider and sign.

2. Status of Federal and State Court Filings

Defense counsel reported that there are currently 306 cases filed in the MDL and 6 on conditional transfer orders. Counsel also reported that the group of Oklahoma cases – including 325 plaintiffs from 6 complaints – is in the process of being transferred. Counsel reported that there are currently 31 related cases in state court, including 1 in California, 29 in Pennsylvania, and 1 in New Jersey.

Defendant Bayer's counsel also brought a scheduling issue to the Court's attention relating to the Pennsylvania state court proceedings. Counsel expressed concern that presently the discovery schedule in those cases are ahead of the MDL's schedule. Both plaintiffs' and defense counsel discussed the issue. The Court stated that the parties should continue to work on the schedule in the MDL, and once approved, the state proceedings could be coordinated with that schedule.

3. Status of Motions for Remand

The parties reported that motions for remand had been filed in four cases within the MDL. The Court will hear argument on those motions at the next status conference on April 21, 2016. Additionally, one other case had a motion for remand pending before being transferred into the MDL, but the motion has not been refiled within the MDL. The Court directed counsel to refile the motion as soon as possible, so the Court can handle it near the other motions.

4. Entry of Deadlines for Proposed Pre-Trial Orders

The parties discussed their process for agreeing on remaining pre-trial scheduling matters. Plaintiffs' counsel stated that there were three principal areas of disagreement: (1) deadlines for custodial production, (2) deadlines for non-expert discovery, and (3) whether or not there should be a bellwether protocol in place. Generally, plaintiffs'

counsel favored setting firm deadlines and establishing a protocol quickly, whereas the defense counsel wished to have additional information and more time before setting deadlines.

The Court directed the parties to continue to work with each other on the discovery deadlines until March 25, 2016. If any issues cannot be resolved, the parties will submit simultaneous briefs addressing their differences by March 30, 2016. The Court also stated that it would return to the issue of a bellwether protocol at the next status conference.

Upcoming Status Conferences: Thursday, April 21, 2016 at 1:30 PM; and Tuesday, May 17, 2016 at 3:00 PM.

APPEARANCES:

Plaintiffs: Yvonne Flaherty, Russell Bud, Olga Viner, Lauren Welling, Vance Andrus, 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, Jenay Moshkovich, Jamie Goldstein, Julie Park, Katie Griffin, James Capretz, Ahmed Diab, Karen Allen

s/Heather Arent-Zachary
Courtroom Deputy Clerk