

to provide the state court judges. They proposed meeting and conferring on the scheduling issues to see if a resolution could be reached, and submitting competing proposals at the next status conference.

Defendants' counsel responded that until they reviewed the plaintiffs' fact sheets they would not be able to come up with a plan. Thus, they proposed deferring the scheduling issue until late August or September.

The Court directed Plaintiffs to provide their vision for a schedule going forward 10 days prior to the May 18 status conference. The parties will discuss scheduling further at the next status conference so that the Court can understand Plaintiffs' proposed schedule and the potential roadblocks that Defendants envision. The Court anticipates deciding the scheduling issue sometime this summer.

5. Scheduling Science Day

Plaintiffs' counsel suggested that Science Day occur in June in abbreviated fashion, with an hour for both sides and without experts. They stated that it can be helpful to have this information at the beginning of an MDL to educate the Court about the particular issues that will arise in discovery. Defendants' counsel raised scheduling conflicts in June and July, and suggested that the science presentation would be more useful after the counsel had access to the plaintiffs' fact sheets and can give more specific information. Defendants' counsel suggested scheduling Science Day later in the summer. The Court stated that Science Day should occur in mid-to-late August, noting that it is helpful to have this introduction to the applicable science early in the process.

6. Motions for Remand

The parties argued four motions for remand to California state court. Plaintiffs argued that the cases lacked complete diversity because they involved California plaintiffs, and McKesson, a distributor with its principal place of business in California, was a named defendant in those actions. Defendants argued that the Court should defer ruling on the issue in the interests of judicial economy, and that McKesson was fraudulently joined because the plaintiffs do not intend to pursue claims against it and there was no reasonable basis for the claims, and thus the Court could ignore its presence for diversity purposes. The Court took the motions under advisement and will issue a written order.

Upcoming Status Conferences: Wednesday, May 18, 2016 at 1:30 PM; Tuesday, June 21, 2016 at 1:30 PM; and Tuesday, July 19, 2016 at 1:30 PM.

APPEARANCES:

Plaintiffs: Yvonne Flaherty, Russell Bud, Thomas Sims, David Wool, Bill Robbins III, Robert Mosier, R. Jason Richards, Andrea Hirsch, Christopher Nidel

Defendants: Jan Bernier, Cicely Miltich, Andrew Solow, John Winter, James Murdica, Alan Rothman

On the phone: Stephen Bucklin for Ramin Younessi, Lindsay Cordes, Tom Antunobich for Jamie Goldstein, Ericka Downie, Julie Park, Olga Viner, Kristen Barton for Ahmed Diab, Katie Griffin, Sarah Johnson, Lauren Welling, Matthew Sill, Don Ledgard

s/Heather Arent-Zachary
Courtroom Deputy Clerk