

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

**STATUS CONFERENCE**

In Re: Fluoroquinolone Products Liability	)	<b>COURT MINUTES</b>
Litigation,	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
Plaintiff,	)	
	)	Case No: 15-2642 JRT
v.	)	Date: February 22, 2017
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Renee Rogge
	)	Time Commenced: 2:10 pm
Defendant.	)	Time Concluded: 2:30 pm
	)	Time in Court: 20 Minutes

Hearing on: Status Conference

**1. Status of Litigation**

Counsel reported that there are approximately 165 Bayer-only cases, 85 Bayer and Janssen cases, and 488 Janssen-only cases remaining in the MDL.

Counsel reported that there are 14 Bayer-only or Bayer and Janssen cases in Pennsylvania state court. Plaintiffs and Bayer are meeting and conferring regarding a bellwether proposal for the state court proceedings. If they reach an agreement, counsel stated that they would likely reach out to this Court with the proposed plan and ask the Court to communicate with the state court judge regarding scheduling. The Court stated that it was open to this communication.

**2. Short Form Complaint and Plaintiff Fact Sheet Deficiencies**

Counsel reported that they are continuing to work through deficiencies in short form complaints and plaintiff fact sheets. Counsel stated that they intended to narrow down the list of cases with deficiencies and include them in a joint submission to the Court near the end of the month.

**3. Status of Written Discovery**

Plaintiffs' counsel reported that they continue to review document discovery from Bayer and Merck. There have been some delays, but the parties continue to work out any disagreements.

**4. Status of Depositions**

Plaintiffs' counsel reported that they took one Rule 30(b)(6) deposition recently and will seek to take six more from current or former Bayer custodians this Spring.

**5. Bellwether Order and Bellwether Selection**

Counsel sought to correct erroneous dates within Pretrial Order 13. The Court stated that it would file a revised order with the changes. Counsel also reported that both sides made their bellwether selections, including four cases each involving Avelox and two cases each involving Cipro. Because both parties selected the same two Cipro cases, the parties agreed that they would work up 10 bellwether cases, including 8 Avelox cases and the 2 Cipro cases.

**6. Update on Pending Motions to Dismiss**

Counsel reported that in light of Janssen Defendants' withdrawal of their portion of the motions to dismiss based on the statutes of repose fewer cases are now subject to the pending motion. Plaintiffs' counsel reported that the motion remains pending in only 6 cases, involving 7 plaintiffs, and one of those plaintiffs did not oppose the motion. The Court stated that it would issue an order soon.

**7. Scheduling March Conference**

**Next Status Conference: Tuesday, March 28, 2017, at 2:00 p.m.**

**APPEARANCES:**

Plaintiffs: Bill Robins, Russell Budd, Yvonne Flaherty, Thomas Sims, R. Jason Richards, Andrea Hirsch, David Wool, Christopher Nidel

Defendants: Lori Leskin, Andrew Solow, Cicely Miltich

On the phone: Olga Viner, Lindsay Cordes, Kathy Lee, Tiffany Waters, Katie Griffin, Lindsay Stevens, Jamie Goldstein, Jan MacLean Bernier, Michael Susfern, Kimberly Beck

s/Heather Arent-Zachary  
Courtroom Deputy Clerk