

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

STATUS CONFERENCE

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| 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 28, 2017 |
| |) | Deputy: Heather Arent-Zachary |
| |) | Court Reporter: Kristine Mousseau |
| |) | Time Commenced: 2:13 pm |
| Defendant. |) | Time Concluded: 2:43 pm |
| |) | Time in Court: 30 Minutes |

Hearing on: Status Conference

1. Status of Litigation

Counsel reported that there are approximately 254 cases involving Bayer or Merck entities pending in the MDL. Between 90 and 100 of those cases also involve a Janssen entity.

Counsel reported that there are 17 cases pending in Pennsylvania state court. Counsel requested that the Court communicate with the state court judge regarding coordination of scheduling. The Court stated that it was open to this communication, and asked the parties to provide contact information ahead of the parties' conference with the state court judge.

2. Update on Plaintiff Fact Sheet Deficiencies / Order to Show Cause

Counsel asked the Court to issue an order to show cause with regard to several plaintiffs who failed to file timely Plaintiff Fact Sheets. Plaintiffs' counsel noted that they had withdrawn as counsel from one of the plaintiff's cases, and Defendants' counsel asked to submit a revised proposed order based on that fact. The Court stated that it would enter the order promptly once the revised order is submitted.

3. Status of Meet and Confer Regarding Service of Bayer Pharma AG

Counsel reported that with regard to service of Bayer Pharma AG they are following the protocol agreed to in the Xarelto litigation. The parties will either proceed by agreement or submit a proposed order to the Court.

4. Status of Written Discovery Served on Plaintiffs/PSC

Plaintiffs' counsel reported that they are meeting and conferring on this issue and will later present to the Court any issues they cannot agree upon.

5. Proposed Briefing Schedule for ESI Dispute

Counsel reported that a discrete issue arose with respect to ESI production by Bayer. The parties agreed to follow the local rules with regard to non-dispositive motions. Counsel anticipated that at the next status conference they would set a date for the motion to be heard, with the moving party's brief due two weeks before the date of the hearing, and a response due one week before the hearing.

6. Status of Bayer Defendant Depositions

Counsel reported on the status of Bayer custodian depositions, noting that Bayer had recently provided some proposed dates and Plaintiffs provided a new list with additional custodian names. The parties stated that they would meet and confer regarding the list and that the issue may be ripe for the Court's consideration at the next status conference.

7. Update on Bellwether Discovery / Dispute Regarding Deposition Protocol

Counsel reported that they are proceeding with bellwether discovery, but that one dispute had arisen for the Court's resolution. The parties disagreed on the order of physician depositions. Defendants proposed that they would depose the physicians first in cases selected by Plaintiffs and Plaintiffs could depose the physicians first in cases selected by Defendants. Plaintiffs preferred the opposite. Following discussion, the Court stated its preference for Defendants' suggested order.

8. Scheduling April and May Conferences

Upcoming Status Conferences:

1. Friday, May 5, 2017, at 2:00 p.m.
2. Friday, June 2, 2017, at 11:00 a.m.

APPEARANCES:

Plaintiffs: Bill Robins, Russell Budd, Yvonne Flaherty, Thomas Sims, R. Jason Richards, Olga Viner, Tad Thomas

Defendants: Lori Leskin, Andrew Solow, Cicely Miltich

On the phone: Lindsay Stevens, Barbara Nevin, Nilva Isidro, Michael Suffern, Kimberly Beck, Daniel Corley, Dae Lee, Katie Griffin, Arnold Wang, Chris Nidel

s/Heather Arent-Zachary
Courtroom Deputy Clerk