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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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In Re: Fluoroquinolone)	File No. 15MD2642
Products Liability Litigation)	(JRT)
)	
)	Minneapolis, Minnesota
)	March 28, 2017
)	2:10 P.M.
)	
)	
)	

BEFORE THE HONORABLE CHIEF JUDGE JOHN R. TUNHEIM
UNITED STATES DISTRICT COURT
(STATUS CONFERENCE)

Court Reporter: KRISTINE MOUSSEAU, CRR-RPR
1005 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Proceedings recorded by mechanical stenography;
transcript produced by computer.

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1 2:10 P.M.

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3 (In open court.)

4 THE COURT: All right. You may be seated. This
5 is Multi District Litigation Number 15-2642, In Re:
6 Fluoroquinolone Products Liability Litigation. Let's have
7 counsel note appearances.

8 First here in the courtroom for the plaintiffs?

9 MS. FLAHERTY: Good afternoon, Your Honor.
10 Yvonne Flaherty on behalf of the plaintiffs.

11 THE COURT: Ms. Flaherty.

12 MR. BUDD: Good afternoon. Russell Budd,
13 plaintiffs.

14 MR. ROBINS: Good afternoon, Your Honor. Bill
15 Robins on behalf of plaintiffs.

16 MR. SIMS: Good afternoon. Thomas Sims for the
17 plaintiffs.

18 MR. RICHARDS: Good afternoon, Your Honor. Jason
19 Richards for the plaintiffs.

20 MS. VINER: Good afternoon, Your Honor. Olga
21 Viner for the plaintiffs.

22 MR. THOMAS: And Tad Thomas for the plaintiffs.

23 THE COURT: Very well. For the defendants here
24 today?

25 MS. MILTICH: Good afternoon, Your Honor. Cicely

1 Miltich on behalf of Bayer defendants.

2 MS. LESKIN: Good afternoon, Your Honor. Lori
3 Leskin for the Bayer defendants.

4 MR. SOLOW: Good afternoon. Andrew Solow on
5 behalf of the Bayer defendants.

6 THE COURT: Very well. Good afternoon to all of
7 you.

8 And who do we have on the telephone?

9 MR. CORLEY: Daniel Corley from the McGrath Law
10 Firm for plaintiffs.

11 MS. GRIFFIN: Good afternoon, Your Honor. Katie
12 Griffin from the Sill Law Group for plaintiffs.

13 MS. LEE: Good afternoon, Your Honor. David Lee
14 from Bernstein & Liebhard on behalf of the plaintiffs.

15 THE COURT: Good afternoon, Your Honor. Lindsay
16 Stevens, Gomez Trial Attorneys, on behalf of plaintiffs.

17 MR. WANG: And Arnold Wang for plaintiffs.

18 MR. SUFFERN: Good afternoon, Your Honor.
19 Michael Suffern and Kimberly Beck from Ulmer & Berne LLP.

20 MS. NEVIN: Barbara Nevin from Milavetz for
21 plaintiffs.

22 MS. ISIDRO: Good afternoon. Nilda Isidro from
23 Goodwin Proctor for Isaac Pharmaceuticals.

24 THE COURT: All right. Anyone else?

25 All right. Those of you on the phone, we're

1 happy to have you speak at any time. Just interrupt, and
2 we'll hear what you have to say. In the meantime, if you
3 could put your phones on mute, that would help us with our
4 sound system here in the courtroom, but please feel free to
5 jump in at any time. Make sure to have the phones on mute
6 because we're hearing a little background here in the
7 courtroom.

8 All right. Okay. Let's look at our agenda for
9 today. Who is going to begin?

10 MR. SIMS: Thank you, Your Honor. We show there
11 are approximately 254 cases where one or more Bayer or
12 Merck entities is named as a defendant that are currently
13 pending. I believe another two are the subject of a CTO
14 that was issued this morning and will be making their way
15 here.

16 THE COURT: Two? Okay.

17 MR. SIMS: Approximately 90 to 100 of those are
18 cases that also involve one of the Janssen entities as a
19 defendant. The remaining would be Bayer only cases.

20 With respect to where we are in the state courts
21 right now, there is only one state jurisdiction that has
22 any active cases, and that is in Philadelphia in
23 Pennsylvania state court, and there are currently 14 cases
24 pending that identify Bayer as a defendant. Of those, five
25 involve an additional group of defendants from the Levaquin

1 group, the Janssen defendants.

2 Mr. Solow -- with respect to item 1B on the
3 agenda, Mr. Solow and I have been working with our
4 respective local counsel to reach out to Judge Younge, who
5 is the team leader for the 2015 filings, which is most of
6 those 14 cases were filed in 2015, and we have also tried
7 to reach out to Judge New, who has the 2016 filings, to
8 discuss with him the possibility of a bellwether type
9 approach and also amending and revising the current case
10 management deadlines so that they line up with the
11 deadlines we have here with respect to our bellwether
12 group.

13 We have not been able to reach Judge Younge yet.
14 We are currently waiting to hear back from his office on
15 two possible dates for a conference. However, it did occur
16 to us that prior to us meeting with Judge Younge or in
17 connection with that meeting, a conversation between Your
18 Honor and Judge Younge may assist.

19 THE COURT: What are the dates that you have that
20 you are looking at right now?

21 MR. SIMS: We were just trying to figure that
22 out.

23 MR. SOLOW: April 3rd and April 14th, Your Honor.

24 THE COURT: Okay.

25 MR. SIMS: And once we get confirmation of which

1 day, we will notify the Court.

2 THE COURT: Do that. Okay.

3 MR. SOLOW: Yes, Your Honor. Just to clarify, I
4 apologize. I gave Mr. Sims wrong information. There are
5 17 total cases in Philadelphia. Only 14 are in front of
6 Judge Younge. That's where we got our numbers confused.

7 THE COURT: And three before the other judge?

8 MR. SOLOW: Judge New, correct.

9 THE COURT: Okay. Has he issued any kind of case
10 management orders or anything yet?

11 MR. SIMS: On those three?

12 THE COURT: Yeah.

13 MR. SIMS: Yes, there has been. It is very
14 standard practice shortly after filing, the clerk actually
15 issues the order with standard case management deadlines,
16 but I think it's generally understood that the 2015 filings
17 will proceed first.

18 THE COURT: Okay.

19 MR. SOLOW: So, Your Honor, what we had mentioned
20 to you previously, and we have Judge Younge's contact
21 information which we will e-mail to chambers. Any contact
22 that you could make with Judge Younge we would appreciate.
23 Again, we're not exactly sure what Judge Younge is going to
24 do, but I do have personal experience with him in another
25 matter where he was not the first team leader, but with the

1 assistance of an MDL judge and coordinating schedules.

2 We were able to get some federal/state
3 coordination. So I hope he is receptive to it. If not, we
4 will hear from Judge Younge.

5 THE COURT: All right. I'll call him in advance
6 of your meeting. Let me know when it is. I want to make
7 it relatively close to it so it is on his mind. Okay?

8 MR. SIMS: Thank you, Your Honor.

9 MR. SOLOW: Thank you.

10 THE COURT: All right. Now we have some problems
11 with the plaintiff fact sheets?

12 MS. LESKIN: We do, Your Honor, for three cases
13 that are left, and we have been working very closely with
14 the PSC, who has tried very hard to bring everyone in
15 compliance.

16 THE COURT: Schleif, Hicks and Abraham?

17 MS. LESKIN: Right. In Abraham, the fact sheet
18 was due December 12th, 2016. Hicks, it was due November
19 28th, 2016; and Schleif, it was due October 31st, 2016. So
20 we have submitted a proposed order to show cause. I think
21 we did that once before.

22 THE COURT: Yeah. I think that, that looks fine.
23 I have a copy of it here in front of me for these three
24 cases. There certainly has been enough time that has gone
25 by.

1 Any objection over here?

2 MR. SIMS: No, Your Honor.

3 MS. LESKIN: Thank you, Your Honor.

4 THE COURT: We will file it today.

5 MS. LESKIN: Thank you.

6 THE COURT: All right. Let's see. The service,
7 Bayer Pharma AG?

8 MR. RICHARDS: Good afternoon, Your Honor. Jason
9 Richards for the plaintiffs. This regards meet and confer
10 discussions concerning Bayer Pharma and service, and the
11 defense has proposed that we follow a protocol that was
12 agreed to in the Xarelto litigation, and that's acceptable
13 to us. So that's what we will be doing.

14 THE COURT: Okay. Sounds good.

15 MR. SOLOW: Your Honor, we will go ahead and get
16 an agreement with the parties, or if necessary we will
17 submit a similar order here.

18 THE COURT: Okay. What process is that that you
19 would follow for it?

20 MR. SOLOW: Your Honor, so in exchange for the
21 plaintiffs having now executed the first time proper
22 service through the Hague Convention, and I don't have the
23 exact agreement in front of me, but basically we would
24 agree to a limited waiver of service. So each individual
25 plaintiff does not need to go and serve through the Hague

1 Convention in exchange for a few minor inconveniences on
2 our end.

3 THE COURT: All right. Good.

4 MR. RICHARDS: That's what we did. That's
5 consistent with what he represented a few months ago, they
6 were going to waive service. If we served one party
7 through the Hague, that would be applicable to service on
8 everybody in the MDL.

9 In the fall in September, we served through the
10 Hague, and that's consistent with what we represented
11 before to the Court.

12 MR. SOLOW: And we have actually gone ahead, Your
13 Honor, and answered in the MDL on behalf of those entities.

14 THE COURT: All right. Good. Thanks.

15 MR. SOLOW: All right.

16 MR. RICHARDS: I want to handle number 4, too,
17 Your Honor.

18 THE COURT: All right. Go ahead.

19 MR. RICHARDS: Status of written discovery served
20 on the Plaintiffs/PSC, we are going to meet and confer on
21 that. They served the PSC actual lawyers with discovery,
22 and so we're going to meet and confer, and whatever we
23 can't agree on, we will present to the Court for
24 resolution.

25 MR. SOLOW: Just, Your Honor, we will meet and

1 confer on it. To briefly advise Your Honor of what the
2 issue was, back in the fall, both defendants, the Janssen
3 defendants and the Bayer defendants, served some discovery,
4 seeking amongst other things information obtained in
5 response to FOIA requests from the federal or state
6 government, as well as any contact with any published
7 authors on Fluoroquinolones, and we did send it to the PSC
8 and the plaintiffs.

9 Janssen had been taking the lead on it. With
10 obviously the way things sit now, we have picked up that
11 ball. We will meet and confer, and if we need to engage in
12 any motion practice, we will let Your Honor know.

13 THE COURT: All right. Good.

14 MR. RICHARDS: Thank you.

15 THE COURT: Okay. ESI.

16 MR. SIMS: Yes, Your Honor. There is a discrete
17 issue that has arose with respect to the ESI production by
18 Bayer, and we had a chance to chat a little bit before we
19 came here and started the hearing, Your Honor. Rather than
20 agreeing to a proposed schedule, what we agreed is we would
21 just go by the local rules with respect to non dispositive
22 motions.

23 So we would request that at the next status
24 conference, which would likely be late April or early May,
25 we set a date for this motion to be heard, in which case I

1 believe under the rules our brief would be due two weeks
2 before that date and Bayer's would be due one week before
3 that date is our proposal.

4 THE COURT: That's fine.

5 MR. SIMS: I'm also up for the next item, Your
6 Honor.

7 THE COURT: Mm-hmm.

8 MR. SIMS: In the middle of February, plaintiffs
9 sent Mr. Solow a list of six custodians and asked for their
10 depositions, asked for dates for their depositions. Within
11 the last week, we received dates, proposed dates, for three
12 of those.

13 For the remaining three, two are former
14 employees. They are no longer with the company, and I
15 understand that Bayer is in the process of trying to gather
16 dates that they can propose for those two, and then the
17 sixth employee Mr. Solow represented has an illness and
18 won't be able to sit for a deposition.

19 THE COURT: Okay.

20 MR. SIMS: We anticipate including additional
21 names of folks we would like to depose, given the long lead
22 time we have run into in securing dates. So we plan on
23 sending some additional names.

24 THE COURT: Okay.

25 MR. SIMS: And that ties a little bit, Your

1 Honor, into another discovery issue which relates in part
2 to Bayer Pharma AG, the German entity, but also relates in
3 general to the U. S. based Bayer companies and Merck. As
4 the Court recalls, under Case Management Order Number 5, we
5 were to serve an initial list of custodians, which we did,
6 and I believe there was a total of 23 individuals we
7 identified, and then there was a deadline by which we were
8 to serve additional custodians.

9 Due to some production issues with Bayer's
10 production, we extended that by about a month, but
11 ultimately the plaintiffs submitted a list of 50 additional
12 custodians. Of those, I believe that 20 of them,
13 approximately 20 of those individuals, are associated with
14 the Bayer Pharma AG, the German entity.

15 THE COURT: Mm-hmm.

16 MR. SIMS: That was done on March 1st, so about a
17 month ago, and a few days ago, Bayer notified us that they
18 would like to meet and confer about our list and discuss
19 the potential for limiting it further. So we are just
20 starting those discussions, but I suspect that may very
21 well be an issue that is ripe for the Court's consideration
22 at our next status conference.

23 THE COURT: All right.

24 MR. SIMS: I just wanted to give the Court a
25 quick update in terms of numbers of pages produced. I

1 think we are right about at 6.8 million pages that have
2 been produced by the Bayer and Merck entities total. I
3 believe, and we've talked quite a bit about Bayer Pharma
4 AG, the German entity. From plaintiffs' perspective as we
5 are getting more into these cases, we do believe that the
6 German entity played a pretty central role in discussions
7 of safety and also discussions of labeling.

8 So we think that will ultimately be an important
9 component of the case, and we just wanted to bring that to
10 Your Honor's attention.

11 THE COURT: All right.

12 Go ahead, Ms. Leskin.

13 MS. LESKIN: Your Honor, as we reported last
14 time, I think we have identified ten plaintiffs that we had
15 for the bellwether pool, eight from the Avelox group and
16 two only from the Cipro only group. On the 16th we
17 requested dates for the plaintiffs' depositions and spouses
18 in some of those cases. I understand that we will be
19 getting some dates this week for at least some of those
20 plaintiffs. So we will get started on that.

21 THE COURT: Okay.

22 MS. LESKIN: There is one dispute that has arisen
23 that I think we agreed does not need briefing, but we would
24 like to just lay it out and let the Court direct us how to
25 proceed. Under PTO 9, the parties had set forth that we

1 would alternate for priority at physician depositions, that
2 the priority of the examination will alternate between the
3 parties and that we agree to coordinate details once the
4 bellwether proposal is in place.

5 Once the bellwether proposal was in place, I
6 suggested that for cases that the Bayer defendants
7 selected, the PSC, the plaintiffs, could go first at
8 physician depositions and vice versa. So the plaintiff
9 selections we would go first.

10 Plaintiffs have rejected that proposal. Came
11 back with the opposite. That for their selections, they
12 would go first. For our selections, we would go first.
13 Given that plaintiffs have the opportunity to speak to
14 doctors in advance, we said we would agree to their
15 proposal if they agreed not to speak to the doctors before
16 the depositions. That was also rejected.

17 So now we're simply before the Court for some
18 guidance on priority at physician depositions. Certainly
19 we selected cases that we believe were strong for the
20 defense. I assume the plaintiffs selected cases they
21 believe are strong for them.

22 They also get the opportunity to talk to the
23 doctors without limits other than what is set forth in the
24 pretrial order, and so before these depositions get
25 transcribed and the testimony gets set for all time,

1 potentially at trial, you know, for use at trial. We don't
2 know what will happen with trials in these cases yet.

3 We would simply say, so for their cases that are
4 stronger, we should be allowed to go take discovery before
5 they take the depositions and vice versa. I don't know who
6 is responding on their behalf.

7 THE COURT: All right.

8 MR. ROBINS: Good afternoon, Your Honor. Bill
9 Robins for the PSC. Our position is really simple. We
10 have the burden of proof in the litigation, and we have
11 selected cases that, you know, were plaintiffs' picks that
12 we think are representative.

13 This issue has been addressed by other MDL courts
14 in the past. Most recently Judge Rufe in the Zolofit
15 litigation had the same issue being contested. Defendants
16 took the same position taken here. I would be happy to
17 pass up a copy of her order, but she basically, after
18 considering this, ruled in the plaintiffs' favor, and it
19 was appropriate for the plaintiffs to go first.

20 And much the same arguments were considered by
21 her that, you know, given the fact that the plaintiffs have
22 the burden of proof, and we'll see how the bellwether
23 selection process goes with Your Honor later in terms of
24 order, but from our perspective this is just sort of a
25 fundamental right.

1 They came back to us and said, sure, you can do
2 that, but only if you will agree not to speak with the
3 physicians, which Your Honor may recall this was briefed in
4 Levaquin I, this issue. Your Honor ruled that it was
5 entirely appropriate for plaintiffs to speak with
6 physicians beforehand.

7 This issue was considered by Judge Kennelly
8 recently in the TRT litigation. He ruled the same way. So
9 we just don't think it's appropriate for them to come in
10 and essentially say, yeah, we will go along with you but
11 only if you give up this right to talk to physicians
12 beforehand.

13 You know, there has been some back and forth on
14 this. Certainly some other courts have handled it, you
15 know, some other ways but never that I have been able to
16 find the way the defense wants to do. In the Xarelto
17 litigation, which Mr. Solow is lead counsel, Judge Fallon,
18 and I honestly don't know if it was disputed in that
19 litigation, but they did a little bit of a hybrid approach
20 there where essentially what they did is, they took the
21 defense picks first, lined them up alphabetical order.

22 Then they took the plaintiffs' picks. Lined them
23 up alphabetical order, starting with defense going first
24 and then sort of back and forth that way.

25 THE COURT: Alternated?

1 MR. ROBINS: Alternated, you know, which is sort
2 of a midpoint I guess between one side or the other. So
3 that's another approach that could potentially be done
4 here. There is good sides or bad sides to that, but from
5 our perspective, really, we would prefer, your know, for
6 obvious reasons to have the right to go first in these,
7 which will be probably as a practical matter trial
8 depositions.

9 That's what usually ends up happening. We have
10 the burden of proof on learned intermediary. We have the
11 burden of proof on a lot of issues that are going to be, as
12 Your Honor knows, turning on what a prescriber may say, and
13 you know, from that perspective, you know, we're going to
14 most likely be down there taking what will be trial
15 depositions which are played to the jury.

16 They will have an advantage on their cases to
17 some extent. We will have perhaps an advantage in our
18 cases, but that's sort of how the process works. So from
19 our perspective, you know, that's where we see it, Your
20 Honor.

21 THE COURT: Okay.

22 MS. LESKIN: If I can respond first on the
23 Xarelto, Mr. Solow informs me that what was worked out
24 there, they did alternate, but if one side was going first
25 on the plaintiff deposition, the other side went first on

1 the prescriber depositions. So here we've already agreed
2 that the defendants go first on the plaintiff depositions.
3 So that doesn't quite work the same way.

4 I have been involved in other MDLs where it was a
5 simply a free-for-all, where the first one to notice the
6 deposition went first, and people sent out notices
7 willy-nilly. To avoid that, we reached the first
8 agreement, which was we would alternate.

9 Now, we could just alternate by deposition, but
10 that becomes a game of scheduling. To avoid that, we just
11 wanted to set something clean and simple and easy.

12 THE COURT: What do you think of Judge Fallon's
13 approach? Line them up alphabetically and alternate?

14 MS. LESKIN: That's the Xarelto point. One side
15 would ask the plaintiff questions first, and the other side
16 would ask the doctors in that same case first. So it was
17 alternating within the case, as well as by the list. So it
18 doesn't quite work the same way here.

19 THE COURT: Mm-hmm.

20 MS. LESKIN: I mean it certainly is a
21 possibility. This was a little bit, I thought, cleaner
22 because each side has selected what they thought would be
23 their stronger case.

24 Burden of proof really isn't an issue because
25 this is supposed to be discovery, and we don't have

1 necessarily the opportunity to talk to the same doctors.
2 There may be some cases where we can. No one is
3 challenging, to be clear, we're not challenging that the
4 plaintiffs are entitled to. In fact it's already in the
5 order. We've already agreed to that.

6 But given that fact that they can talk to the
7 doctors, we would like the opportunity, particularly in the
8 cases they have selected, to take the deposition, to start
9 the depositions. We're not cutting off their right to ask
10 the doctor questions, to preserve testimony if necessary.
11 It's just a matter of discovery before trial testimony
12 basically.

13 THE COURT: All right. Did you have something
14 else, Mr. Robins?

15 MR. ROBINS: Excuse me, Your Honor. I have a
16 copy of the Xarelto right in front of me. Maybe I'm not
17 saying they're intentionally misrepresenting it, but it's
18 not the way they are describing it.

19 What it says is for the way that I -- that it's
20 laid out, it says for detail representatives, plaintiffs
21 first. For prescribers and treaters set forth on the table
22 below, and then it lays it out. They had random picks
23 there, which we don't have here.

24 Then it goes defense pick. Then it goes
25 plaintiffs' pick. It's in alphabetical order. The defense

1 starts for the first case, and they alternate between
2 prescriber and treater. So what happens is, the
3 prescriber, in the prescriber depo, the defense would go
4 first. The plaintiff would go first in the treater depo.

5 So it could work the same way here. What we're
6 most concerned about is the prescriber depo from our
7 perspective. If we wanted to do it that way, it could be
8 done fairly simply. In this case I don't -- there may be a
9 situation where we've got a couple of treaters and we have
10 to work out the details on that, but it certainly could be
11 handled in that manner, you know, I think, as a sort of
12 midpoint between the parties' positions.

13 THE COURT: Okay.

14 MS. LESKIN: If I misspoke, Your Honor, it's
15 simply because Mr. Solow gave the wrong information, but
16 the prescriber, treater plaintiff prescriber was the same
17 question. It was alternating in each case. Apparently,
18 there was an order that certain doctors would go before
19 other doctors.

20 THE COURT: I see. Okay. First of all, I have
21 no problem as long as its consistent with the pretrial
22 orders with plaintiffs being able to talk to the doctors.
23 I think that's consistent with rulings in the past, but I
24 think that the defense suggestion where defense goes first
25 on plaintiffs' selections and the plaintiffs go first on

1 defense selections seems to make sense to the Court.

2 So that would be my direction for resolving this
3 issue. All right?

4 MS. LESKIN: Thank you, Your Honor.

5 THE COURT: Okay. Anything else that we have
6 today other than scheduling?

7 MR. ROBINS: I don't think so, Your Honor.

8 THE COURT: Okay. Let's look at maybe latter
9 part of April.

10 MR. ROBINS: Your Honor, we're going to propose
11 the first week of May, if that would be possible.

12 THE COURT: That would be fine, yes. The first
13 part of the week is best. I have got a conference in
14 Washington on the 4th, and I have to be there on the 3rd,
15 that I'm overseeing. So the 1st and 2nd I think are --

16 Do they look okay, Heather?

17 Bad timing, Mr. Solow?

18 MR. SOLOW: Sorry, Your Honor. I'm defending the
19 former CEO in a litigation on the Tuesday and Wednesday,
20 and so I could do that Thursday, the 4th.

21 THE COURT: The 4th wouldn't work. The 5th or
22 1st?

23 MR. SOLOW: I could do Friday the 5th.

24 THE COURT: What do I have that day, anything?

25 THE CLERK: Three sentencings and a motion.

1 THE COURT: Yeah. Okay. What about plaintiffs?
2 5th?

3 MR. ROBINS: Friday, the 5th?

4 THE COURT: Yeah.

5 MR. ROBINS: Friday, the 5th would work for us,
6 Your Honor.

7 THE COURT: Early afternoon best time?

8 MR. SOLOW: Yes, Your Honor.

9 MR. ROBINS: Sure.

10 THE COURT: Like that two o'clock time frame?
11 Okay. Let's set that. Okay. And then perhaps a month
12 later.

13 The first week of June is not particularly good.
14 Let's see. Actually, the 1st and 2nd, am I here those
15 days? The 1st is a Thursday I think.

16 MR. ROBINS: How about June 5th, Your Honor.

17 THE COURT: That week I think I'm scheduled to be
18 gone. It's very tentative right now, but I had that week
19 held for some work. The week of the 5th and the 12th have
20 been held for right now. The previous week, in-court
21 seminar, but I would be back here Friday afternoon if we
22 did it on the 2nd. Friday, the 2nd?

23 MR. ROBINS: Your Honor, I will not be able to be
24 here for that because we're starting trial in the
25 testosterone litigation in front of Judge Kennelly the

1 following week right around that time, but my co-counsel
2 can be here.

3 THE COURT: You can be on the phone as long as
4 you put the phone on mute. That's all right.

5 Does that day work for you, Mr. Solow,
6 Ms. Leskin?

7 MR. SOLOW: Yes, Your Honor. Any thought of
8 possibly doing it in the a.m.?

9 THE COURT: That would be fine. Well, let's see.
10 Late morning probably would work. The bench meeting will
11 be a little -- I'm just in Red Wing, so it's not very far
12 away.

13 We could try for eleven o'clock, late morning.
14 Okay?

15 MR. SOLOW: Yeah. That's fine, Your Honor.

16 THE COURT: We'll try for eleven o'clock. All
17 right. Okay. Anything else?

18 MR. ROBINS: Nothing further from the plaintiffs,
19 Your Honor.

20 THE COURT: Thank you, Mr. Robins.

21 Anything else from the defendants?

22 MS. MILTICH: No, Your Honor.

23 THE COURT: All right. Thank you, Ms. Miltich.

24 All right. We will be in recess. We will issue
25 that order to show cause this afternoon. Okay? We will

1 get that going.

2 MS. LESKIN: Thank you, Your Honor.

3 THE COURT: And please let me know when you have
4 the date with Judge Younge, and I will be talking with him
5 in advance. Yes?

6 MR. RICHARDS: If I could ask one thing?

7 THE COURT: Yes.

8 MR. RICHARDS: The name Schleif, I think it was,
9 is one of the three.

10 THE COURT: Okay.

11 MR. RICHARDS: I believe we filed a motion to
12 withdraw, so I would like that motion to withdraw maybe
13 perhaps to be granted before the order to show cause.

14 THE COURT: Okay.

15 MS. LESKIN: Your Honor, if that's the case, we
16 need to revise it. I think the first order to show cause
17 the Court entered had specific provisions for a pro se
18 litigant, and we would need to revise the order to show
19 cause for Mr. Schleif or Ms. Schleif.

20 I don't know her last name, whether it is --

21 THE CLERK: That motion was granted on March
22 15th.

23 MR. RICHARDS: Perfect.

24 MS. LESKIN: Your Honor, we can revise the motion
25 to take that into account, and we will resubmit it.

1 THE COURT: All right. As soon as you send it
2 in, we will get it filed.

3 Anyone from the phone, anything you would like to
4 add? All right. Hearing none, we will be in recess.
5 Thank you, everyone.

6 THE CLERK: All rise.

7 * * *

8 I, Kristine Mousseau, certify that the foregoing
9 is a correct transcript from the record of proceedings in
10 the above-entitled matter.

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14 Certified by: s/ Kristine Mousseau, CRR-RPR
15 Kristine Mousseau, CRR-RPR

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