

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

**STATUS CONFERENCE**

In Re: Fluoroquinolone Products Liability  
Litigation,

Plaintiff,

v.

Defendant

**COURT MINUTES**

BEFORE: John R. Tunheim  
U.S. District Judge

Case No: 15-2642 JRT  
Date: April 20, 2018  
Deputy: Heather Arent-Zachary  
Court Reporter: Kristine Mousseau  
Time Commenced: 10:19 am  
Time Concluded: 11:09 am  
Time in Court: 50 Minutes

Hearing on: Status Conference

**I. Status of Litigation**

**a. Federal Filing Update**

Plaintiffs indicate that there are currently 346 cases in the MDL.

**b. Philadelphia State Court Peripheral Neuropathy Litigation**

In Philadelphia, there are 4 total cases. One has been worked up. Plaintiffs attended a settlement conference on that case, but it was not resolved. The parties have a pretrial conference set for May 2018, at which time they should be given a firm trial date, likely in late summer or fall.

**II. Discovery Update**

**a. Outstanding Written Discovery**

There remains one outstanding piece of written discovery. The parties met and conferred and are working through issues. Two sets of written discovery were served around the fact discovery deadlines and objected to in January 2018. The parties will begin meet and confer on those filings and will file motions if necessary. Two plaintiffs have not turned in their written fact sheets, which were

due several months ago. Defendants have met with the PLC and will file proposed orders to show cause.

**b. Expert Discovery**

Expert discovery is moving forward and everything has been scheduled. The parties have had some issues with conduct during expert depositions, particularly with regard to objections. The Court reminded the parties that the Federal Rules apply and it expects parties to follow them. It also expects civility. Aside from privilege, witnesses need to answer to best of their ability. Any other objections should just be made and reserved.

**III. Proposed Pretrial Order No. 16**

The Court will file PTO 16, which the parties have agreed to.

**IV. Defendants' Proposal re. Daubert Motions**

Parties filing Daubert motions will have a 75-page total limit (opening and reply) on an omnibus motion. Parties responding will have a 75-page limit for the response. Should Defendants seek live testimony on the Daubert motions, they should file a 5-page brief or letter explaining why it is necessary. Plaintiffs have five pages to respond.

**V. Defendants' Proposal re. Additional Bellwether Selections**

Defendants propose an additional round of bellwether case selection and presented a PowerPoint with reasons for the request and proposed criteria for selecting the second round. Plaintiffs oppose the proposal. The Court would like a written response from Plaintiffs within 45 days and will take up the issue at the June status conference.

**VI. Scheduling of May Status Conference**

The May status conference is scheduled for May 30, 2018, at 10:00am.

**APPEARANCES:**

Plaintiffs: Bill Robins III, Yvonne Flaherty, R. Jason Richards, David Wool  
Defendants: Lori Leskin, Andrew Solow, Michelle Tessier

On the phone: Thomas Sims, Lindsay Cordes, Andrea Hirsch, Kristen Barton, Dae Lee, Julianna Remuszka, Christopher Nidel, Olga Viner, Michael Suffern, Barbara Cok, Kathy Lee

s/Heather Arent-Zachary  
Courtroom Deputy Clerk