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VIA ECF ONLY

The Honorable John R. Tunheim
United States District Court
15 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: **In re: Fluoroquinolone Products Liability Litigation**
Civil Action No. MDL 15-2642

Dear Judge Tunheim:

In light of the voluntary settlement program, the Court's January 2, 2019 Docket Control Order ([Dkt. 758](#)), and the expiration of the Court's October 11, 2018 Order staying all proceedings in the above-referenced action ([Dkt. 709](#)), the Bayer Defendants hereby withdraw the following motions without prejudice, subject to renewal, including, but not limited to, in the event that certain terms and conditions in the voluntary settlement program are not met:

1. **Motions Pending in MDL 15-2642 (Applying to all Cases)**
 - a. Defendants' Motion to Exclude Expert Testimony Under Federal Rules of Evidence 702 and *Daubert*, filed on May 23, 2018 ([Dkt. 613](#)).
2. **Motions Pending in MDL 15-2642 Bellwether Cases**
 - a. Heller v. Bayer Healthcare Pharmaceuticals, Inc. et al. (15-CV-03292)
 - i. Defendants' Motion for Summary Judgment, filed on September 7, 2018 ([Dkt. 49](#)).
 - ii. Defendants' Motion to Exclude Expert Testimony, filed on September 7, 2018 ([Dkt. 43](#)).
 - b. Higley v. Bayer Healthcare Pharmaceuticals, Inc. et al. (15-CV-03288)
 - i. Defendants' Motion to Exclude Expert Testimony, filed on September 7, 2018 ([Dkt. 57](#)).

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- c. Kellerman v. Bayer Healthcare Pharmaceuticals, Inc. et al (15-CV-03285)
 - i. Defendants' Motion for Summary Judgment, filed on September 7, 2018 ([Dkt. 84](#)).
 - ii. Defendants' Motion to Exclude Expert Testimony, filed on September 7, 2018 ([Dkt. 78](#)).

- d. Kirkwood v. Bayer Healthcare Pharmaceuticals, Inc. et al. (15-CV-03382)
 - i. Defendants' Motion for Summary Judgment, filed on September 7, 2018 ([Dkt. 30](#)).

- e. Morris v. Bayer Healthcare Pharmaceuticals, Inc. et al. (15-CV-03303)
 - i. Defendants' Motion for Summary Judgment, filed on September 7, 2018 ([Dkt. 48](#)).
 - ii. Defendants' Motion to Exclude Expert Testimony, filed on September 7, 2018 ([Dkt. 42](#)).

- f. Quinley v. Bayer Corporation et al. (15-CV-04142)
 - i. Defendants' Motion for Summary Judgment, filed on September 7, 2018 ([Dkt. 19](#)).

- g. Richardson v. Bayer Healthcare Pharmaceuticals, Inc. et al. (15-CV-03370)
 - i. Defendants' Motion for Summary Judgment, filed on September 7, 2018 ([Dkt. 33](#)).

Thank you for your consideration of these issues.

Respectfully,

/s/ Andrew K. Solow

Andrew K. Solow

AKS

cc: ALL ECF Participants