

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

STATUS CONFERENCE

In Re: Fluoroquinolone Products Liability	)	COURT MINUTES
Litigation,	)	BEFORE: John R. Tunheim
	)	U.S. District Judge
Plaintiff,)	
	)	Case No: 15-2642 JRT
v.	)	Date: November 14, 2017
	)	Deputy: Heather Arent-Zachary
	)	Court Reporter: Maria Weinbeck
	)	Time Commenced: 4:45 pm
Defendant.	)	Time Concluded: 4:58 pm
	)	Time in Court: 13 Minutes

Hearing on: Status Conference

1. Status of Litigation

Counsel reported that 289 cases remain pending in the MDL; 201 are Bayer-only and 88 are combination Bayer-Janssen. Two related cases remain in Philadelphia, including *Bryant*.

Defense counsel reported that there are about a dozen plaintiffs that have overdue fact sheets, two of which are “significantly late.” Defense counsel says that they have been working with Attorney Simms to get those or to dismiss those cases, but they may ask for an order to show cause should they be unsuccessful. Attorney Simms reported that only seven cases had been identified as tardy and agreed that two were over a month late.

2. Coordination with Pennsylvania Court of Common Pleas and Judge Young regarding *Bryant* matter

Judge Tunheim reported that he has not yet had a chance to reach out to Judge Young but that he will do so as soon as possible. Defense counsel noted that this issue is their biggest concern. At this time, expert discovery in *Bryant* is scheduled to be completed in early March, which is when the first bellwether trial will be selected. Defense counsel is concerned that the *Bryant* case will preempt much of the work done in this MDL unless we can get that schedule pushed forward. As of now, the first bellwether trial is scheduled for November 2018.

3. Status of MDL Discovery

A. Bayer/Merck Defendants

Counsel reported that 14 depositions have been taken for U.S. Bayer, and four remain. Six depositions will be taken regarding German Bayer. Three are scheduled for December, and three are scheduled for January.

B. Bellwether Discovery

31 treater depositions have been taken, eight are scheduled for this month, and eight still need to be scheduled. Defense counsel has been working with Mr. Simms and is primarily concerned regarding prescribers. Defense counsel is also waiting on a list of physicians that Mr. Simms intends to use so that Defense counsel can depose them.

Defense counsel has reported that they have completed document discovery. They are still waiting for a list of sales representatives and managers and ask that the information be turned over ASAP because most are likely no longer working for Bayer and may be hard to track down with the holidays approaching. Plaintiffs anticipate deposing 12 sales representatives and managers.

4. Scheduling of December Conference

The next status conference will be December 20, 2017, at 3:00 P.M. At that conference, Judge Tunheim wants to discuss a schedule preview for 2018 to make sure that the case is on track and assist anyone following from a distance.

Upcoming Status Conference:

Wednesday, December 20, 2017, at 3:00 p.m.

APPEARANCES:

Plaintiffs: Yvonne Flaherty, Russell Bud, R. Jason Richards

Defendants: Lori Leskin, Michelle Tessier

On the phone: Barbara Nevin, Kathy Lee, Kristen Barton, John Ipsaro, Juliana Remuszka for Wendy Fleischman, Thomas Simms

s/Heather Arent-Zachary
Courtroom Deputy Clerk