



Defendants tried to get in touch with and served a subpoena on Dr. Deeds(?), a prescribing physician, but his attorney reached out objecting based on his health (recent surgery and still in recovery). The nurse practitioner, Ms. Gilbert, has not responded. The address the parties had was an old work address, and she had not worked there for two years. The parties just received a new address today. Mr. Simms thinks that they will not have a problem getting in touch with her soon at the new address and is happy to take the lead on that, even by having her served tomorrow. Plaintiffs are amenable to taking the deposition after the discovery deadline if necessary.

**c. Sales representatives**

Five sales representative depositions remain but have been scheduled. One was scheduled for tomorrow but because of weather the deponent is unable to attend. Plaintiffs will seek to depose her shortly after the discovery deadline. The other four depositions are set for next week.

**3. Update on Bellwether Trial Selection Process**

The parties have agreed to take the three discussed cases out of the pool because of statutes of limitations motions that Defendants believe will be successful. The trial selection pool is down to seven – one Ciprofloxacin and six Avalox cases. The statute of limitations cases will proceed on the individual case motions schedule.

**4. Status on December 21, 2017 Order to Show Cause**

Only one plaintiff remains that has not turned in a plaintiff fact sheet. Plaintiffs' counsel seeks extension – 120 days – to have the plaintiff serve the fact sheet. Defendants have no position on this request and defer to the court. The Court will grant the extension of 120 days but notes that this will be the final extension.

**5. Motions to Establish Qualified Settlement Fund**

There is one pending unopposed motion regarding this issue. The Court notes that it was filed yesterday and will take a look.

**Upcoming Status Conference: Thursday, March 1, 2018, at 4:00 p.m.**

**APPEARANCES:**

**All parties appeared by telephone for this status conference.**

**Plaintiffs: Bill Robins III, Russell Budd, Thomas Sims, Yvonne Flaherty, Andrea Hirsch, Christopher Nidel, Olga Viner, Tad Thomas, Katie Griffin, Barbara Nevin**

**Defendants: Lori Leskin, Andrew Solow, Michelle Tessier, Michael Suffern**

**s/Heather Arent-Zachary  
Courtroom Deputy Clerk**