

**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  
Chief U.S. District Judge

Case No: 15-2642 JRT  
Date: June 20, 2019  
Deputy: Heather Arent-Zachary  
Court Reporter: Kristine Mousseau  
Time Commenced: 2:33 pm  
Time Concluded: 2:48 pm  
Time in Court: 15 Minutes

Hearing on: Status Conference

**I. Bayer & Merck Defendants Settlement Update**

**A. Master Settlement Agreement Update**

Plaintiffs report that there were 365 cases file that were eligible for the Master Settlement Agreement (“MSA”). They have received participation agreements or releases from all but 28 of those plaintiffs. Under Pre-Trial Order (“PTO”) 18, deadlines apply to plaintiffs who choose not to participate in the MSA, and the parties agree that those deadlines will begin to run on June 6. The parties have agreed that the MSA will proceed in conformance with their established participation rate.

**B. Dismissal Processing – Court authorization for global dismissal**

Defendants suggest filing a global dismissal for all the MSA-participating Plaintiffs. The dismissal would loosely follow the dismissals filed in the Janssen cases. The Court agrees that a global dismissal is appropriate. The remaining cases fall into two buckets: cases filed after the MSA and cases filed before the MSA but whose plaintiffs have chosen not to participate in the MSA. There are 22 post-MSA cases, and 19 have not fully complied with the requirements of PTO 18 within the time specified (120 days).

**C. Pending Motion under PTO 18 for Order to Show Cause for post-MSA filed cases (Docket No. 801)**

Defendants have filed a motion for an Order to Show Cause (“OTSC”) regarding the 19 post-MSA cases in which the plaintiffs have not filed the documents required under PTO 18 within

the specified time (120 days). 18 have filed short form complaints, and one plaintiff filed the plaintiff fact sheet. The Court will file the OTSC shortly.

#### **D. PTO 18 OTSC for non-participating MSA cases (approx. Oct. 2019)**

There are currently 28 and will likely end up being 26 non-participating MSA cases. The deadlines set forth in PTO 18 for filing materials will be on or before October 4, 2019. Defendants intend to file another motion for an OTSC on October 5, 2019.

#### **E. Establishment of Qualified Settlement Fund**

There is a pending motion to approve a Qualified Settlement Fund (“QSF”) that the parties agree to. The parties note that funding will only get moving once the order is in place, and the Court intends to file it right away.

#### **F. Entry of Qualified Protective Order and Status of Medicare and private lien resolution**

Plaintiffs will file a motion for a Qualified Protective Order (“QPO”), which will be almost identical to the QPO filed in the Janssen cases

### **II. Janssen Defendants Settlement Update**

Defendants report that 106 cases are on the docket, but 85 have stipulations that will be signed and filed shortly. 17 “open” cases remain, four plaintiffs are pro se and 13 have counsel. Defendants propose resolving these cases within 30-45 days and will file stipulations. On the pro se cases, Defendants will invite them to meet and confer to attempt to resolve the cases. Defendants have confirmed with the pro se plaintiffs’ prior counsel that they have in fact withdrawn. The Janssen Defendants will report on the status of these cases at the next status conference.

### **III. Scheduling of Next Status Conference**

The Court will file the OTSC and hold a show-cause hearing at 10:00 a.m. on Thursday, July 11, 2019. The next status conference will be by phone at 2:00 p.m. on Monday, August 12, 2019.

#### **APPEARANCES:**

Plaintiffs: Bill Robins III, Thomas Simms, Yvonne Flaherty, R. Jason Richards

Defendants: Andrew Solow, Tracy Van Steenburgh

On the phone: Katie Griffin, Barbara Nevin, Olga Viner

s/Heather Arent-Zachary  
Courtroom Deputy Clerk