

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: PRADAXA (DABIGATRAN
ETEXILATE) PRODUCTS LIABILITY
LITIGATION**

)
) **3:12-md-02385-DRH-SCW**
)
) **MDL No. 2385**
)

This Document Relates to:

ALL CASES

MINUTES OF STATUS CONFERENCE

PRESIDING: CHIEF JUDGE DAVID R. HERNDON

DATE: October 8, 2013 **COURT REPORTER:** Laura Blatz

PLACE: East St. Louis, Illinois **COURTROOM DEPUTY:** Sara Jennings

APPEARING FOR PLAINTIFFS: Michael A. London, Mikal C. Watts, Roger C. Denton, Tor A. Hoerman, Mark R. Niemeyer, Steve Davis

APPEARING FOR DEFENDANTS: Dan H. Ball, Paul W. Schmidt, Beth S. Rose (via phone), Eric E. Hudson, W. Jason Rankin

TIME: 10:00 AM – 10:40 AM

Court met with lead and liaison counsel prior to the hearing today.

Mr. Denton provided on update on PHRI. Mr. Rankin and Mr. Denton provided an update on PHRI and CMO 2 and CMO 3. The parties have agreed to an extension of time.

Mr. Schmidt and Mr. Denton provided a document production and audit update pursuant to the Court's Order of September 18, 2013.

Mr. Denton and Mr. Hudson reported on the status of the response to PSC's request for production of MedWatch forms and a recent doctor's deposition.

Mr. London and Mr. Schmidt provided an updated deposition scheduling report, with regard to both US BIPI depositions and foreign BII depositions. The Court relayed its reluctance to require defendants to bring their witnesses to the US for depositions. The Court appreciates that the parties are working together to schedule these depositions.

Mr. London reported that the parties have agreed to an amendment to CMO 37. A proposed Amended CMO 37 will be submitted to the Court by next week.

Mr. Ball and Mr. London provided bellwether case updates regarding status of depositions of plaintiffs, doctors and sales representatives the parties have an agreed amendment to CMO 28 and plan to have that amendment to the Court by next week. Mr. Ball reported that the parties have agreed to allow Special Master Judge Stack to address the issue of who pays for doctors depositions at the first instance. He also discussed, and the Court encouraged all counsel to adhere to the case management orders, particularly with regard to scheduling and cancelling depositions.

Mr. Schmidt and Mr. Denton provided an update on the PSCs request for defendant to supplement non-deponent custodial files. The parties are optimistic that Special Master Judge Stack will be able to resolve this matter.

Mr. London and Mr. Schmidt reported on the status of the PSC's September 25 letter requesting production of 6 new custodial files.

Mr. Schmidt provided an update on the use of unproduced documents in depositions and discovery responses related to fraud on the FDA allegations.

The Court will rule in short order on the Zaiter remand motion.

Next status conference set for **November 6, 2013** at **9:00 AM**.