

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

**IN RE: FRESENIUS GRANUFLO/NATURALYTE
DIALYSATE PRODUCTS LIABILITY LITIGATION**

MDL No. 1:13-md-2428-DPW

This Document Relates to:

All Cases

**JOINT STATUS REPORT
(Agenda for Status Conference on March 28, 2014)**

This Joint Status Report represents an agreed upon suggested agenda for the Status Conference scheduled before Judge Woodlock in this matter on March 28, 2014 at 2:30 p.m.

The parties will be prepared to address the status of the following pending matters:

1. Competing revised bellwether Case Management Order proposals filed by the PEC (docket no. 554) and FMCNA (docket no. 555 and 555-1);
2. Pending motions to be heard:
 - a. *Arballo v. Fresenius Medical Care Holdings, Inc. et al.*, MDL no. 14-10546
 - i. Plaintiff's Motion to Remand (docket nos. 20, 24, 26)
 - ii. Northridge Dialysis Center LLC's Demurrer (docket nos. 16, 25)
 - b. *Emerson v. Fresenius Medical Care Holdings, Inc. et al.*, MDL no. 13-12768
 - i. Plaintiff's Motion to Remand (docket nos. 11, 23)
 - c. *Rodriguez et al. v. Fresenius USA, Inc.*, MDL no. 14-10413
 - i. Plaintiff's Motion to Remand (docket nos. 9, 13)
3. Status update on cases consolidated in other jurisdictions.

4. Update regarding status of Fresenius Medical Care North America's document production and expected completion date; and
5. Any other matters raised by the Court.

The following is an historical timeline of the events that occurred since the status hearing held on February 27, 2014:

- Proposed Case Management Order No. 9 relating to Product Identification was endorsed on March 5, 2014. (Docket Number 550)
- Plaintiffs and Fresenius Medical Care North America are in the process of negotiating a Proposed Qualified HIPAA Protection Order relating to third party medical record production.
- The parties are in the process of finalizing a Proposed Case Management Order relating to ESI Protocols.
- The parties are in the process of consolidating all Case Management Orders into one Consolidated Case Management Order.
- The parties are in the process of negotiating a Proposed Case Management Order relating to Deposition Protocols.
- General liability discovery continues with rolling document production and other forms of discovery.

Respectfully submitted by Plaintiffs' Executive
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Respectfully submitted by Fresenius North America,

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Date: March 25, 2014

CERTIFICATE OF SERVICE

I, William H. Kettlewell, hereby certify that a true and correct copy of the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 25, 2014.

/s/ William H. Kettlewell