

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 May 9, 2014)**

This Joint Status Report represents an agreed upon suggested agenda for the Status Conference scheduled before Judge Woodlock in this matter on May 9, 2014 at 2:00 p.m.

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

1. *Randolph v. Fresenius Medical Care Holdings, Inc., et al.*, MDL No. 14-10861
  - i. Agreement among the parties for the Defendants' Motion to Sever and Remand Claims Against Medical Negligence Defendants be heard at the June 6, 2014 MDL Status Conference (docket no. 584);
2. *Emerson v. Fresenius Medical Care Holdings, Inc., et al.*, MDL No. 13-12768
  - i. Joint Motion to Continue Hearing and Deadlines for Evidentiary Submissions of Motion to Remand to be heard at the July 11, 2014 MDL Status Conference (docket no. 593);
3. Proposed discovery schedules and trial dates;
4. Status of production of documents by FMCNA Defendants relative to scheduled May 31 certification of document production completion;

5. Status of meet/confer efforts to resolve pending disputes between Plaintiffs and FMCNA Defendants concerning responses to Plaintiffs' Rule 34 requests;
6. Status of Plaintiffs' objection to FMCNA Defendants' pending subpoena to former FMCNA Chief Medical Officer Raymond Hakim, M.D., related deposition notice;
7. Status of Deposition Case Management Order and anticipated coordination of depositions between MDL and Massachusetts state Plaintiffs.
8. We will be prepared to further address any other matters raised by the Court.

The following is an historical timeline of the events that occurred since the status hearing held on March 28, 2014:

- Proposed Case Management Order No. 10 relating to the bellwether case selection and trial deadlines was endorsed on April 8, 2014. (Docket Number 583)
- Plaintiffs finalized a product identification protocol with Davita Clinics.
- Plaintiffs and Fresenius North America are in the process of negotiating the 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.
- General liability discovery continues with rolling document production and other forms of discovery.

Respectfully submitted by Plaintiffs' Executive  
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