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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE ACTOS (PIOGLITAZONE-
PRODUCTS LIABILITY LITIGATION)

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:

MAGISTRATE JUDGE HANNA

SETTLEMENT CONFERENCE ORDER

A series of Settlement Conferences have been scheduled by the Court in its scheduling order [doc. 5303] as follows:

On or after April 16, 2015 – First Formal Settlement Negotiation

On or before August 10, 2015 – Second Formal Settlement Negotiations

On or before October 23, 2015 – Third Formal Settlement Negotiations

On or before January 10, 2016 – Fourth Formal Settlement Negotiations

On or before March 18, 2016 – Final Formal Settlement Negotiations

The Special Master will get in touch with the Parties to select a specific date for each each of the Settlement Conferences. This order will address the first formal Settlement Settlement Conference (First Conference). At the First Conference the structure of the the remaining Settlement Conferences will be discussed and a supplemental order will

will be issued concerning those Settlement Conferences. The date, time and location of the First Conference will be sent by the Special Master.

The following orders are entered to assist the court in an objective appraisal and evaluation of the lawsuit, and to ensure that the necessary parties are present for the First Conference.

A. PERSONS ATTENDING THE FIRST CONFERENCE

The First Conference shall be attended by co-lead counsel for the PSC, a maximum of two attorneys for each Eli Lilly and Takeda entities to be identified by Eli Lilly and Takeda in advance of the First Conference. In addition, the Eli Lilly and the Takeda entities' authorized representatives, as well as any representative of an insurance company if the insurance company will be called upon to potentially fund any settlement, shall attend the First Conference. The required attendance for all subsequent Settlement Conferences will be discussed at the First Conference.

B. CONFIDENTIAL STATEMENTS

Each party shall deliver to Special Master Russo a written Confidential Settlement Conference Statement by e-mail grusso@joneswalker.com no later than **seven days before the First Conference**. The statement shall not exceed four pages, normal font and shall contain the following:

- (a) The name and title, if applicable, of the client or authorized representative who will be attending the First Conference..
- (b) Liability: A brief statement of the liability issues present in the case, including a description of the strongest and weakest points of your case, both legal and factual.
- (c) Status of Settlement Negotiations: A brief statement of the settlement negotiations to date, including the last settlement proposal made by and to you and the date thereof. The parties must make a good faith exchange of offers prior to the Settlement Conference. Include any “sticking points” preventing settlement.
- (d) Quantum: A brief statement of your position on quantum, including any injuries sustained, surgeries, current medical status, and any other relevant legal or factual issues.
- (e) And provide if you prefer settlement discussions on an individual case basis, to just include the cases set for trial, all direct filed Louisiana Western District cases, or the entire pool of cases in the MDL?
- (f) Please provide on a confidential basis anything that you believe would either help or hurt the chances of a settlement.

C. CONFIDENTIALITY

The contents of the statements and all communications made in connection with with the Settlement Conference are confidential and will not be disclosed to anyone without the express permission of the communicating party or order of a court of competent jurisdiction. The statements and any other documents submitted for the Settlement Conference will be maintained by Special Master Russo and will be destroyed after the Settlement Conference.

Signed at Lafayette, Louisiana on the 17th day of MARCH 2015.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE