

MINUTE ENTRY  
FALLON, J.  
APRIL 1, 2015

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN)	*	MDL 2592
PRODUCTS LIABILITY LITIGATION	*	
	*	SECTION L
THIS DOCUMENT RELATES TO	*	
ALL CASES	*	JUDGE ELDON E. FALLON
	*	
	*	MAG. JUDGE NORTH

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**THIS DOCUMENT RELATES TO ALL CASES**

A status conference was held on this date in the Courtroom of Judge Eldon E. Fallon. At the conference, Co-Plaintiffs’ Liaison Counsel (“PLC”), Gerald Meunier and Leonard Davis, and Defendants’ Liaison Counsel (“DLC”), James Irwin, reported to the Court on the topics set forth in the Proposed Agenda. (Rec. Doc. 380). This status conference was transcribed by Ms. Mary Thompson, Official Court Reporter. Counsel may contact Ms. Thompson at (504) 589-7783 to request a copy of the transcript. A summary of the status conference follows.

1. **PRE-TRIAL ORDERS**

The Court has issued the following Pre-Trial Orders:

**Pre-Trial Order No. 1** (Doc. 2) entered December 17, 2014 – Setting initial conference

**Pre-Trial Order No. 2** (Doc. 38) entered January 16, 2015 – Appointing Plaintiffs’ Liaison Counsel

**Pre-Trial Order No. 3** (Doc. 39) entered January 16, 2015 – Appointing Defendants’ Liaison Counsel

**Pre-Trial Order No. 4** (Doc. 61) entered January 26, 2015 – Requiring Counsel to provide contact information to Liaison Counsel, and amending PTO No. 1 regarding docketing procedure

**Pre-Trial Order No. 4A** (Doc. 62) entered January 26, 2015 – Approving and attaching Counsel Contact Information Form

**Pre-Trial Order No. 5** (Doc. 63) entered January 26, 2015 – Clarifying duties of transferor court under MDL Rule 1.6

**Pre-Trial Order No. 5A** (Doc. 149) entered February 3, 2015 – Amending PTO No. 5 to allow transferor court to retain original file

**Pre-Trial Order No. 6** (Doc. 150) entered February 3, 2015 – Appointing Defendants’ Co-Lead Counsel

**Pre-Trial Order No. 7** (Doc. 169) entered February 9, 2015 – Appointing Plaintiffs’ Steering Committee (PSC); Appointing Plaintiffs’ Co-Lead Counsel; Ordering that PLC and Plaintiffs’ Co-Lead Counsel shall comprise PSC Executive Committee; Appointing Chair of the State Liaison Committee, to be *ex-officio* member of PSC; and Listing responsibilities of PSC.

**Pre-Trial Order No. 8** (Doc. 183) entered February 13, 2015 – Establishing standards and procedures for counsel seeking reimbursement for common benefit fees and costs.

**Pre-Trial Order No. 9** (Rec. Doc. 356) entered March 24, 2015 – Providing for the Direct Filing of Complaints in the MDL;

**Pre-Trial Order No. 10** (Rec. Doc. 357) entered March 24, 2015 – Providing for the Streamlined Service on Certain Bayer Defendants; and

2. **COUNSEL CONTACT INFORMATION FORM**

All counsel in the MDL are required to complete the Counsel Contact Information Form attached to PTO No. 4A, and forward it to the appropriate Liaison Counsel. This information must be kept current by counsel providing the information, and will be relied upon throughout the litigation.

3. **PLAINTIFFS' STEERING COMMITTEE**

Organizational discussions of the PSC continue to take place and have led to the formation of various committees and subcommittees for the work to be done by both PSC and non-PSC counsel on behalf of all plaintiffs in this litigation.

4. **FILE & SERVE XPRESS**

PLC, DLC, and Lead Counsel for the parties have considered the following options for service:

1. Use of File & Serve Xpress;
2. Relying on CM/ECF Notice to PLC/DLC and then relying on PLC/DLC to distribute service to all other counsel for their respective parties; or
3. A proposal by BrownGreer for a service mechanism provided through its "MDL Centrality" software.

5. **"MDL CENTRALITY"/PROFILE/DISCLOSURE FORMS**

Orran Brown of BrownGreer has visited the New Jersey offices of Drinker Biddle & Reath LLP (Offices of Co-Lead Counsel for Defendants) to discuss the use of the MDL Centrality software for fact sheets, and has had follow-up discussion with DLC and Co-Lead Counsel for Defendants. Mr. Brown also has had discussions with PLC regarding the use of MDL Centrality, and has made a presentation regarding this software at a prior MDL status conference. Liaison and Lead Counsel expect to conclude in the near future an agreement for the use of the MDL Centrality software program for Plaintiff and Defendant Fact Sheets.

6. **PFS/DFS /CENSUS FORMS**

PLC and DLC have submitted proposed forms for the Plaintiff and Defendant Fact Sheets to the Court, along with the suggested CMO. The defendants also submitted a proposed Census Form with their CMO. The PSC opposes the use of census forms and believes that one fact sheet for plaintiffs and one for defendants is sufficient.

7. **MASTER DISCOVERY**

PLC has provided DLC with a draft of Plaintiffs' Master Request for Production in order to provide Defendants with an opportunity to review same before it is made final and formally propounded. There continue to be "meet and confer" discussions regarding this discovery request, including the date on which it will be propounded.

8. **PRESERVATION ORDER**

Liaison and Lead Counsel for the parties have continued to meet and confer in order to submit a proposed, agreed-upon Preservation Order, and have made progress.

9. **DOCUMENT PRODUCTION PROTOCOL**

Liaison and Lead Counsel for the parties have continued to meet and confer to submit a proposed, agreed-upon Document Production Protocol Order, and have made progress.

10. **PRIVILEGE LOG**

Lead and Liaison counsel for the parties have agreed upon the form of a Privilege Log and will be submitting an Order approving same in the near future.

11. **PROTECTIVE ORDER**

Liaison and Lead Counsel for the parties have continued to meet and confer to submit a proposed, agreed-upon Protective Order, and have made progress.

12. **CASE MANAGEMENT ORDER**

In accordance with the Court's Minute Entry of March 12, 2015, PLC, Plaintiff's Co-Lead Counsel, DLC and Defendant's Co-Lead Counsel have met and attempted to submit an agreed-upon, proposed Case Management Order No. 1 by March 26, 2015. Although agreement was reached on many provisions in such an Order, Counsel have submitted competing versions of Case Management Order No. 1. The Court has scheduled a meeting with Lead and Liaison Counsel on March 31 at 8:30 AM to discuss, and with the assistance of the Court and further discussions, it is likely that more progress can be made. Eventually, unresolved issues may be appropriate for briefing.

13. **SCIENCE DAY**

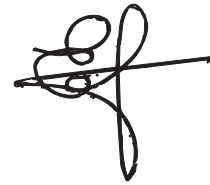
At the Court's request for a Science Day, the parties have included in their suggestions for a CMO a provision for a Science Day. PLC and DLC will report on the status of those discussions.

14. **STATE/FEDERAL COORDINATION**

In accordance with Pre-Trial Order No. 7, PLC and DLC have had, and will continue to have, communications regarding the State Liaison Committee, as well as the status of coordination of MDL and state court actions.

15. **NEXT STATUS CONFERENCE**

The next status conference will be held on May 13, 2015 at 9:00 a.m. in the Chambers of Judge Eldon E. Fallon.

A handwritten signature in black ink, appearing to be 'E. Fallon', written in a cursive style.