

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

**In re: MIRAPEX PRODUCTS
LIABILITY LITIGATION**

MDL No. 07-1836 (JMR/FLN)

This Document Relates To:

Douglas Memler v. Boehringer Ingelheim, et al.	Case No.: 08-CV-6268 (JMR/FLN)
Patrick Cardinali v. Boehringer Ingelheim, et al.	Case No.: 09-CV-625 (JMR/FLN)
Sheree Burd v. Boehringer Ingelheim, et al.	Case No.: 09-CV-807 (JMR/FLN)
Anne Nowlin, et al. v. Boehringer Ingelheim, et al.	Case No.: 09-CV-1089 (JMR/FLN)
Kent Weisbeck, et al. v. Boehringer Ingelheim, et al.	Case No.: 09-CV-1257 (JMR/FLN)
Belay Fisseha, et al. v. Boehringer Ingelheim, et al.	Case No.: 09-CV-1289 (JMR/FLN)
Dan Grimes v. Boehringer Ingelheim, et al.	Case No.: 09-CV-1309 (JMR/FLN)

JOINT STATUS CONFERENCE STATEMENT

Plaintiffs and defendants in the above-captioned cases respectfully submit the following Joint Status Conference Statement which describes the status of the cases since the Case Management Conference held on June 16, 2009.

A. Status of the Pleadings and Fact Sheets

Complaints in all of the captioned cases with the exception of the Grimes case, have been served and defendants have filed Answers. Service of process has not yet been effected in the Grimes case. In addition to answering the complaints in Burd, Cardinali and Memler, BIPI moved to dismiss the fraud based counts in those complaints. No hearing has been scheduled for those motions to dismiss.

Plaintiffs have provided defendants with completed fact sheets and authorizations for the release of records as well as some medical and financial records.

B. Status of Settlement Discussions

1. Fisseha, Grimes, Nowlin, Weisbeck

Since the last Case Management Conference on June 16, 2009, defendants have had several telephonic negotiations with counsel for plaintiffs Fisseha, Grimes, Nowlin, and Weisbeck and negotiations are continuing this week. Plaintiffs' counsel also has provided settlement demands as well as a significant amount of additional documentation for plaintiffs' claims, which defendants received on July 13, 2009 and are in the process of evaluating. Both sides are optimistic of the discussions held to date and are working diligently toward resolving these cases with further discussions to be held over the next week. The parties are optimistic that they will be able to resolve these cases without the court's assistance.

2. Cardinali and Memler

After initial receipt and review of documentation from plaintiffs, defendants provided plaintiffs' counsel with an understanding of the documentation defendants have used to substantiate alleged gambling losses, identifying what documents were still required from plaintiffs and identifying the inadequacies or gaps in the proof. Plaintiffs' counsel has now had an opportunity to discuss these issues with her clients and plaintiffs are collecting further documentation including, for plaintiff Cardinali, player cards to further substantiate losses. It is expected that additional documentation will be produced to the defendants in the next week to week and a half.

On July 14, 2009, plaintiffs' counsel tendered a demand on behalf of plaintiff Memler. Plaintiffs' counsel will be in a position to tender a demand on behalf of plaintiff Cardinali in a week to week and a half after she and her client have had a chance to evaluate any further proof. After defendants' evaluation of the second wave of documents, the parties will be able

to proceed to the next phase of negotiations. The parties expect that with another two to three weeks, they will either have reached a settlement or will require court assistance. There are no disputes regarding production between the parties.

3. Burd

There have been a series of discussions between the parties that provided plaintiff's counsel with an understanding of the documentation defendants require to substantiate alleged gambling losses and what documents will be required. Plaintiff's counsel began requesting records prior to the Case Management Conference on June 16, 2009 after learning of the defendants' desire to engage in settlement negotiations and potentially conduct a settlement conference at the outset of litigation. Plaintiff's counsel had some expectation as to the documentation defendants would require in order to evaluate Ms. Burd's claim and began collecting information in preparation and anticipation of a settlement demand, negotiations and/or conference. Plaintiff's counsel now has an even more definitive understanding of the information defendants require in order to evaluate Ms. Burd's claim after the aforementioned discussions with defendants' counsel, and has now had an opportunity to discuss these issues with his client and is collecting additional information to further document Ms. Burd's financial losses. Additionally, Plaintiff's counsel states that Ms. Burd was a very financially stable woman who spent her life savings and took on considerable debt due to gambling while taking Mirapex and wishes to emphasize to the Court that the information necessary to adequately document her claim is voluminous and there are multiple places from which to obtain the information. Therefore, it has, and is, taking a considerable length of time to collect and analyze the information.

Plaintiff's counsel will begin producing the documents in his possession this week and will continue to provide additional documents as he receives them. Plaintiff's counsel has been advised by at least one financial institution that the request for records will take another four to six weeks and accordingly expects to have received the majority of the documents by September 15, 2009. At that time, plaintiff's counsel will provide a demand after he has had a chance to review the documents and forward them to defendants. Both parties are prepared to negotiate based on the state of production at that time and the next phase of negotiations will begin within one week of the receipt of all the documentation.

The parties look forward to discussing the status of the cases with Magistrate Judge Noel on July 17, 2009.

Dated: July 15, 2009

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