

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re.:

Heparin Products Liability Litigation,

Case No. 08-hc-60000

Status conference held August 3, 2009, in Traverse City, Michigan.

Court Reporter: Angela Nixon.

It is hereby

ORDERED THAT:

1. The law of Illinois shall govern adjudication of issues relating to the attorney-client privilege and attorney work product doctrine;¹
2. Class certification discovery to be completed by December 30, 2009; plaintiffs' class certification motion to be filed by February 1, 2010; defendants' response to be filed by March 1, 2010; plaintiffs' reply to be filed by March 20, 2010;

¹ In addition to finding the reasons for this result set forth in defendants' brief [Doc. 124] more persuasive than the reasons advanced by plaintiffs for adopting the protocol implemented in *In re Vioxx Products Liability Litigation*, 501 F. Supp.2d 789 (E.D. La. 2007), I note the significantly smaller size of this litigation and the vastly lesser extent to which defendants appear to be asserting attorney-client privilege and/or the attorney work product doctrine. It is appropriate, moreover, to adopt the privilege standards of the state in which most, if not nearly all the communications occurred. Doing so implements the expectations of the parties to such communications. Adopting Illinois law also facilitates coordination between this proceeding and the state court cases consolidated before the Hon. Jennifer Duncan-Brice of the Cook County, Illinois, Circuit Court. All counsel, whether in this proceeding, that proceeding, or both, will be subject to the same set of standards and doctrines. This will enhance predictability, avoid inconsistent rulings and uncertainty and lessen demands on judicial time and resources.

3. Leave granted to plaintiffs asserting consumer fraud claims to file amended complaints by August 15, 2009; defendants' pending motion to dismiss such claims deemed withdrawn without prejudice, with leave to file renewed motion to dismiss such claims by October 15, 2009; response to be filed by November 15, 2009; reply to be filed by December 5, 2009;
4. Parties to confer re. protocol for defendants to designate parties who may be responsible in whole or part for plaintiffs' injuries; proposal[s] to be submitted for consideration at next status conference;
5. Further status conference to be held September 9, 2009, in Chicago, Illinois, at a place and time to be designated at request of counsel.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge