

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

**In re: MIRAPEX PRODUCTS  
LIABILITY LITIGATION**

**MDL No. 07-1836 (MJD/FLN)**

**This Document Relates To:**

Marc Mancini  
Jane Whiteman  
Pamela J. Brann and Eddie D. Brann  
Plaintiffs,

Case No.: 10-CV-5009 (MJD/FLN)  
Case No.: 12-CV-744 (MJD/FLN)  
Case No.: 12-CV-914 (MJD/FLN)

v.

Boehringer Ingelheim Pharmaceuticals, Inc.,  
Pfizer, Inc., et al.  
Defendants.

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**JOINT STATEMENT IN RESPONSE TO THE COURT'S  
DECEMBER 5, 2012 NOTICES OF CASE MANAGEMENT CONFERENCE**

Pursuant to the Court's December 5, 2012 Notices of Case Management Conference and in advance of the January 30, 2013 Case Management Conference ("CMC"), Plaintiffs and Defendants in the above-captioned cases respectfully submit the following Joint Statement, which describes the status of the cases. This Joint Statement is an update of the Joint Statement the parties filed on September 7, 2012 in advance of the Court's September 12, 2012 CMC.

The Court has continued the protocol established in this MDL to allow a reasonable amount of time for the parties to exchange information and to engage in informal discussions about resolution of the cases in advance of issuing a pretrial schedule. The following describes the status of the pending MDL cases, including

whether any pretrial schedules have been issued, as well as any other notable circumstances regarding settlement and/or the current posture of these cases.

**A. Marc Mancini**

Mr. Mancini is represented by Bahe Cook Cantley & Nefzger. Following unsuccessful attempts at settlement in *Mancini*, the Court issued a Scheduling Order in this case on August 27, 2012. Defendants filed a motion for summary judgment, which was opposed by Plaintiff, who also requested additional discovery. On January 7, 2013, Defendant BIPI served a completed Defense Fact Sheet on Plaintiff. Oral argument occurred on January 11, 2013, and the Court took the motion and request for discovery under advisement. The case is to be trial-ready by January 1, 2014.

**B. Jane Whiteman**

This action was filed by William B. Baggett, Sr. and Jeff Gaughan and was transferred to the MDL on March 26, 2012. No pretrial schedule has been issued and, consistent with the other pending cases in the MDL, the parties do not believe a pretrial schedule should be issued until after the parties pursue settlement negotiations. Plaintiff and Defendants are in continued communications about the remaining documents necessary for Defendants to value the case for settlement.

**C. Pamela and Eddie Brann**

Plaintiffs are represented by Daniel Thomas. Plaintiff Pamela Brann originally filed suit against BIPI in 2009. In 2010, the Court ordered Plaintiff to show cause why her action should not be dismissed for failure to comply with multiple deadlines. In lieu of responding to the Court's show cause order, Plaintiff moved for voluntary dismissal

without prejudice based on her inability to participate in litigation due to health problems, which was granted by the Court over BIPI's objections.

In October of 2011, Plaintiff filed a new suit, alleging the same claims against BIPI as those voluntarily dismissed in her original action as well as naming Pfizer, Pharmacia and other defendants. BIPI moved the Court for an award of costs under Federal Rule of Civil Procedure 41(d). The Court granted the award, but reduced the amount requested by BIPI, and stayed the case until the award was paid to BIPI by Plaintiff. In October 2012, Plaintiff paid BIPI the amount ordered by the Court. The parties then jointly notified the Court of the payment, requested that the stay be lifted, and indicated that the parties would pursue settlement negotiations.

Plaintiffs recently provided Defendants with medical and financial records so that Defendants may value the case for settlement. Plaintiffs are also obtaining additional records to produce to Defendants. No pretrial schedule has been issued and, consistent with the other pending cases in the MDL, the parties do not believe a pretrial schedule should be issued until after the parties pursue settlement negotiations.

**D. Maureen Anderson, Edwin Doyle, Patricia Hicks and Susan Menke**

Although not included in the Court's December 5, 2012 Notices of Case Management Conference, Defendants can provide a brief update to the Court on the status of each of the cases.

*Anderson*, Case No. 10-CV-4395, has settled and was recently dismissed with prejudice. *Doyle*, Case No. 11-CV-981, which had previously settled, was recently dismissed with prejudice. *Hicks*, Case No. 10-CV-1938, has settled and the parties are

currently confirming that there are no Medicare liens. In *Menke*, Case No. 10-CV-4018, which had previously settled, the substitution for party plaintiff was granted, outstanding Medicare issues were resolved, and the stipulation of dismissal will be filed shortly.

Dated: January 25, 2013

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