

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: GADOLINIUM-BASED** ) **Case No. 1:08 GD 50000**  
**CONTRAST AGENTS PRODUCTS** ) **MDL No. 1909**  
**LIABILITY LITIGATION** )  
 ) **Judge Dan Aaron Polster**  
 )  
 ) **ORDER**  
 )  
\_\_\_\_\_ )

**\*THIS DOCUMENT APPLIES TO ALL CASES\***

On April 1, 2011, the Court issued a Minutes and Order scheduling a Large Group Conference to be held in its courtroom at 1:00 p.m. Eastern Time on May 2, 2011.

(Doc #: 1013.) The Order required “the parties to file a joint submission indicating which cases remain pending in the MDL and the particular defendants involved in each case, along with the identification of any common issues that may need to be resolved. The submission should be filed no later than 4:00 p.m. EST on Thursday, April 28, 2011.” (Id. at 2.)

On April 25, 2011, the MDL Defendants filed a document entitled “Defendants’ Joint Status Report” informing the Court that they were making headway cleaning up the docket by resolving cases pending in the MDL through dismissals and settlements, and asking the Court to continue the May 2 Large Group Conference four to six weeks. Because the Plaintiffs’ Steering Committee (“PSC”) was opposed to continuing the conference, the Court will treat Defendants’ Joint Status Report as a “Motion to Continue the May 2, 2011 Large Group Conference.”

On April 28, 2011, the PSC filed a document entitled “Plaintiffs’ Steering Committee’s Status Report” informing the Court of the status of the remaining cases pending against Defendants Bracco, Mallinckrodt and Bayer, and its opinion that no judicial involvement is necessary at this time as to these Defendants. (Doc #: 1022, at 1-2.) With regard to Defendant GEHC, however, the PSC states that it has requested specific information relating to product identification in the remaining inventory of GEHC cases including the identity of those cases in which Omniscan was purportedly administered, those cases in which 3B dismissals are owed pursuant to CMO No. 11, and those cases in which product identification discovery is ongoing – noting that GEHC is considering whether or not to share this information with the PSC. (Id. at 3.) The PSC also set forth a proposal to GEHC regarding how to handle the remaining cases. Additionally, the PSC stated that the May 2 conference is necessary since many of the plaintiffs’ lawyers who are not members of the PSC have never appeared before the Court in this MDL. The Court will treat the Plaintiffs’ Steering Committee’s Status Report as an “Opposition to the Motion to Continue the May 2, 2011 Large Group Conference.”

At 6:21 p.m. on April 28, 2011, GEHC filed a document entitled “GE Healthcare’s Status Report” the Court will construe as a reply brief. (Doc #: 1023).

The Court has reviewed all filings and hereby **DENIES** the Defendants’ Motion to Continue the May 2, 2011 Large Group Conference. It appears that the last Large Group Conference took place on March 18, 2010, and the Court feels it is important to have one now.

Furthermore, the Court **DIRECTS** the PSC and the Defendants to generate a separate list indicating the cases remaining against each of the Defendants (i.e., one list for Bracco cases, one list for Mallinckrodt cases, one list for Bayer cases, and one list for GEHC cases). The lists

should identify the cases by case number, case name and plaintiff's firm, and it would be helpful if the cases in each of the lists are grouped according to plaintiffs' firms. The Court expects the lists to also identify which cases are "pending settlement," which of the remaining cases the Defendant considers "compensable," and which of the remaining cases the Defendant considers "not compensable." The Court **DIRECTS** the parties to fax or email the lists to chambers **no later than 11:00 a.m. Eastern Time on Monday, May 2, 2011.**

**IT IS SO ORDERED.**

/s/ Dan A. Polster April 29, 2011  
**Dan Aaron Polster**  
**United States District Judge**

## General Information

<b>Court</b>	United States District Court for the Northern District of Ohio; United States District Court for the Northern District of Ohio
<b>Federal Nature of Suit</b>	Personal Injury - Product Liability[365]
<b>Docket Number</b>	1:08-gd-50000
<b>Status</b>	CLOSED