

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
)
) MINUTES OF 3-31-2011
) TELECONFERENCE
) and
) ORDER

THIS DOCUMENT APPLIES TO ALL CASES

On March 11, 2011, the Court ordered all parties to confer and jointly submit a suggested protocol for handling the remainder of the MDL cases. On March 25, 2011, the Plaintiffs' Steering Committee (PSC) and Defendants Bayer Healthcare, Mallinckrodt and Bracco Diagnostics (Bracco) submitted an agreed-upon plan as directed. (**Doc. #: 1008**). At that time, however, the PSC and Defendant GE Healthcare (GEHC) were unable to come to agreement on a protocol and submitted separate proposals. (**Doc. #s: 1009, 1010**). On March 28, 2011, the PSC filed a motion requesting that the Court set a trial date in *Marino v. Gen. Elec. Co.*, and submitted a proposed trial schedule. (**Case No. 1:08-GD-50258; Doc. #: 78**). By letter to the Court dated March 30, 2011, GEHC objected to the PSC's request for a trial date in *Marino*.

On March 31, 2011, the Court held a teleconference with counsel for the PSC and GEHC regarding the aforementioned submissions. At conference, counsel for the PSC and GEHC indicated that they have agreed to hold in abeyance their dispute regarding the MDL protocol

until the Large Group Conference scheduled for May 2, 2011. The PSC indicated that it has agreed to give GEHC until May 2, 2011 to make an effort to resolve its cases. GEHC stated it has agreed to withdraw all case-specific discovery requests through May 2, 2011. The Court approved of this resolution. The Court also reminded counsel of its willingness to assist with settlement if discussions between the parties break down.

With regard to *Marino*, the Court set a trial date of **October 31, 2011**. The Court then ordered the parties to confer on a trial schedule, to be submitted no later than **4:00 p.m. EST on Friday, April 8, 2011**. Accordingly, Plaintiffs' motion requesting a trial date (**Doc. #: 78**) is **DENIED AS MOOT**.

Lastly, with regard to the May 2, 2011 Large Group Conference, the Court ordered 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**.

IT IS SO ORDERED.

/s/*Dan Aaron Polster* 4/1/11

Dan Aaron Polster
United States District Judge

General Information

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