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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE YASMIN AND YAZ)	3:09-md-02100-DRH-PMF)		
(DROSPIRENONE) MARKETING,))		
SALES PRACTICES AND PRODUCTS))		
LIABILITY LITIGATION,))		
)	MDL No. 2100)		

**TRANSCRIPT OF PROCEEDINGS
STATUS CONFERENCE
DECEMBER 2, 2014
BEFORE THE HONORABLE DAVID R. HERNDON
CHIEF UNITED STATES DISTRICT COURT JUDGE**

APPEARANCES:

For the Plaintiffs: Mark R. Niemeyer, Michael A. London,
Michael Burg, Roger C. Denton, Seth A. Katz

For the Defendant: Kaspar Stoffelmayr, John Galvin, Susan
Weber, Prentiss Hallenbeck, Jr., Lisa Floro, Gary McConnell

Court Reporter: Laura A. Esposito, RPR, CRR
U.S. District Court
750 Missouri Avenue
East St. Louis, IL 62201
(618) 482-9481

Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 **(Court convened)**

2 **THE COURT:** Let's get on the record and get our
3 monthly conference in the Yasmin and YAZ MDL-2100.
4 Michael Burg and Kaspar Stoffelmayr are at the podium,
5 Michael Burg for plaintiffs and Mr. Stoffelmayr for the
6 defendants.

7 First matter on the agenda the Gallbladder
8 Resolution Program update.

9 **MR. BURG:** Your Honor, we did get a report from the
10 Garretson firm. They're moving forward with regard to
11 getting these liens finalized. I think they made great
12 progress, which they reported to the Court, and that they
13 are still moving forward. Unfortunately, I think the one of
14 the hold-ups is that approximately 30 to 33 states have not
15 responded to request. I understand Your Honor's
16 contemplating potentially doing an order to order them in
17 here. I guess we would wait 'til the next time. But they
18 moved sufficiently and I think they're making good progress.

19 **MR. STOFFELMAYR:** Nothing to add.

20 **THE COURT:** Right. If we don't get a little better
21 cooperation then I'm more than happy to order their presence
22 at our conference in the future.

23 Next item on the agenda the generic fact discovery.

24 **MR. BURG:** Your Honor, we're moving forward with
25 generic fact discovery. Production has been made. Two

1 30(b)(6) depositions have been taken and we're moving
2 forward per order of the Court, and the parties are
3 cooperating in that regard.

4 *MR. STOFFELMAYR:* I agree with all that,
5 Your Honor.

6 *THE COURT:* All right. Thanks.

7 And the case selection update. The Court has read
8 all of the plaintiffs' fact sheets have been submitted by
9 the defendants and will -- in the coming days very shortly
10 will be submitting the Court's trial selections and so that
11 will be resolved shortly.

12 Anything else from either party on that?

13 *MR. BURG:* Nothing further from the plaintiffs,
14 Your Honor.

15 *MR. STOFFELMAYR:* Not for Bayer.

16 *THE COURT:* That brings us to the settlement
17 mediation update pursuant to CMO 66.

18 *MR. BURG:* Your Honor, my understanding is there
19 has been some meetings that have taken place. At this point
20 the plaintiffs can't tell the Court whether or not there's
21 been progress, but my understanding that meetings are taking
22 place and that hopefully we are going to make some progress
23 and see if we can get resolution of the ATE cases pursuant
24 to your order.

25 *MR. STOFFELMAYR:* I know the Court has received

1 updates from the special master and discussions are taking
2 place, and I would say there has been progress but we don't
3 have a firm agreement at this point.

4 *THE COURT:* Right. The meetings have taken place,
5 meetings are scheduled, and that's an ongoing process. At
6 this point let me say I'm encouraged by what I hear and so,
7 hopefully, that will continue to progress in the days and
8 weeks ahead. VTE settlements?

9 *MR. BURG:* Your Honor, meetings are continuing to
10 be scheduled with Shook Hardy. There are many set for
11 December and January and those are moving along and
12 hopefully we're going to have all the VTE cases resolved
13 over the next coming months.

14 *MR. STOFFELMAYR:* I agree with that.

15 *THE COURT:* Thanks. I appreciate that. Appreciate
16 everyone's efforts to work up their cases and continue to
17 work with the mediators, and I appreciate the efforts of
18 both parties to resolve their cases while the Court will
19 make its selections for upcoming trial dates.

20 So our next conference will be January 27th. The
21 conference here in court will be at 1:00. Anything else,
22 gentlemen?

23 *MR. BURG:* Nothing further for the plaintiffs,
24 Your Honor. Thank you.

25 *MR. STOFFELMAYR:* No, sir, for Bayer. Thank you

1 very much.

2 THE COURT: Thank you. We stand adjourned.

3 Thanks, folks.

4 (Court adjourned)

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7 REPORTER'S CERTIFICATE

8

9 I, Laura A. Esposito, RPR, CRR, CCR(MO), Official Court
10 Reporter for the U.S. District Court, Southern District of
11 Illinois, do hereby certify that I reported in shorthand the
12 proceedings contained in the foregoing 4 pages, and that the
13 same is a full, true, correct, and complete transcript from
14 the record of proceedings in the above-entitled matter.

15 Dated this 5th day of December, 2014.

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19 LAURA A. ESPOSITO, RPR, CRR, CCR

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