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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

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

This Document Relates to: ALL CASES

STATUS CONFERENCE

BE IT REMEMBERED AND CERTIFIED that heretofore on **3/2/2015**, the same being one of the regular judicial days in and for the United States District Court for the Southern District of Illinois, Honorable David R. Herndon, United States District Judge, presiding, the following proceedings were recorded by mechanical stenography; transcript produced by computer.

APPEARANCES:

FOR PLAINTIFF: Mark R. Niemeyer, Michael A. London, Michael Burg, Roger C. Denton, Seth A. Katz.

FOR DEFENDANT: Kaspar Stoffelmayr, John Galvin, Susan Weber, Prentiss Hallenbeck, Jr., Lisa Floro, Gary McConnell.

REPORTED BY: **Molly N. Clayton, RPR**, Official Reporter for United States District Court, SDIL, 750 Missouri Ave., East St. Louis, Illinois 62201, (618)482-9226,
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INDEX OF WITNESS EXAMINATION

DX CX R-DX R-CX

No witness testimony.

MISCELLANEOUS INDEX

PAGE

No miscellaneous index entries.

1 *THE COURT:* Okay. So we will call to order the status
2 conference for the Yaz and Yasmin MDL2100.

3 Who is going to step to the podium and present the --
4 Michael Burg for the plaintiffs and Kaspar Stoffelmayr for the
5 defendants.

6 So we have got the first order -- or first item on the
7 agenda is the Gallbladder Resolution Program. Garrison Group
8 submitted a report, as I found out, to the plaintiffs.

9 Mr. Burg, do you want to report on that?

10 *MR. BURG:* Your Honor, I will. We received the
11 report. They're making progress on it. We did get some first
12 notices of -- to the plaintiff lawyers concerning the lack of
13 affidavits of private insurance. We've talked to them. We are
14 going to follow up with them. They're hoping to have all the
15 lien resolutions done by June, the majority of the ones that
16 are not at this point that they claim to be deficient by
17 mid-April. So we are making progress. We continue to talk to
18 them to try to push forward as fast as we can, your Honor. And
19 hopefully those dates will stay in place.

20 Mr. Stoffelmayr, you have nothing to add?

21 *MR. STOFFELMAYR:* Nothing from our side.

22 *THE COURT:* The next item is the genetic -- generic
23 fact discovery against Bayer.

24 *MR. BURG:* We are moving forward. There were five
25 depositions taken. I think four were in Amsterdam, one in the

1 states. There is another deposition to be done two weeks from
2 today and the -- we were told this morning that the last
3 production will be made this week, so we are moving along
4 pursuant to your order, your Honor.

5 *THE COURT:* Right.

6 *MR. STOFFELMAYR:* I have nothing to add. That's all
7 correct.

8 *THE COURT:* All right. Great. And so the third item,
9 as we move along here, is the report on the implementation of
10 CMO 7.

11 *MR. STOFFELMAYR:* I think we reported to the Court
12 first with respect to the Schuchart case that fact discovery is
13 close to wrapped up there. We have one deposition of a doctor
14 left to take this week, and then the deposition of the sales
15 representative will be taken in March. And that should be it
16 for fact discovery there.

17 We also discussed discovery in the other CMO 68 cases,
18 and the parties are proceeding as instructed in CMO 70 to get
19 the stage one depositions completed and on schedule and then
20 proceed with the stage two depositions. And I think all
21 parties reported that seems to be moving smoothly and
22 cooperatively, and we don't foresee any problems. And lastly
23 we discussed the nonviable cases described in CMO 70. In
24 chambers, I provided some detail on our progress there. Unless
25 you want me to, I don't need to put that on the record.

1 *THE COURT:* I don't think you need to put it on the
2 record in detail, but it sounds like that's moving
3 expeditiously, I think it would be a fair description. Would
4 you agree with me?

5 *MR. STOFFELMAYR:* Your Honor, I think that is correct,
6 and we should be ahead of -- we should either meet or beat all
7 of the deadlines of CMO 70 pretty easily.

8 The one other related topic we discussed was providing
9 the Court with a proposed CMO for how to deal with unserved
10 cases to make sure that the ones that are going to be pursued
11 are served promptly; and ones that haven't been served, because
12 they are not going to be pursued, we can identify and dismiss
13 and get off the docket.

14 *THE COURT:* Right. And I think you are going to work
15 together on that and, perhaps, be able to change the procedure
16 that was suggested in CMO 70 and come up with something a
17 little bit more expeditious.

18 *MR. STOFFELMAYR:* I hope so.

19 *THE COURT:* Great. That's just fine.

20 Okay. Anything else to add to that, Mr. Burg?

21 *MR. BURG:* No. Just that we are working with the
22 defense counsel with regard to the cases that don't meet the
23 requirements, pursuant to your order, to have those cases
24 dismissed. And we recognize that those cases, if they don't
25 meet the requirements, should not be here and should be

1 dismissed.

2 *THE COURT:* And in terms of what we are talking about,
3 we are just talking about cases that primarily should not have
4 been filed in the first place or cases that appears to have
5 been abandoned and just shouldn't.

6 *MR. BURG:* Or no use of the product that sort of
7 thing.

8 *THE COURT:* Right.

9 *MR. BURG:* So we are clear on the record, if someone
10 didn't use the product, obviously, they shouldn't have a case
11 in the MDL or in state court.

12 *THE COURT:* Right. Okay. We are not talking
13 depriving anybody of any due process, we are talking about
14 cases that shouldn't be in.

15 *MR. BURG:* Correct.

16 *THE COURT:* So then the next item is the VTE
17 settlement. Sounds like those are continuing, the discussions
18 and cases continuing to discuss it; is there correct?

19 *MR. BURG:* Correct, your Honor. I know there's been
20 meetings that have been set, and I know we are continuing to
21 make progress. And I know there are meetings set in late March
22 and April, and so I think we are coming closer to the end of
23 having the VTE cases resolved.

24 *THE COURT:* And so with that in mind, if there is
25 anyone listening, I would encourage people to check their

1 inventory and see if their cases are cases that there should
2 be -- discussions that can and should be taking place. They
3 should make sure they're looking over their inventory, and so
4 we can resolve as many cases as possible as we try to wind
5 things down. So I encourage people to look over their
6 inventory.

7 So anything else, gentleman?

8 MR. BURG: We have nothing, your Honor, except for the
9 next date for the next conference, your Honor.

10 THE COURT: All right.

11 MR. STOFFELMAYR: Nothing here.

12 THE COURT: So we set that for April the 20th. I've
13 got a pretty busy early April schedule. So April 20th, the
14 status conference will be at 12:30.

15 So if there's nothing else, we stand adjourned. And I
16 appreciate your efforts.

17 -oOo-

18 REPORTER'S CERTIFICATE

19 I, Molly N. Clayton, RPR, FCRR, Official Court Reporter
20 for the U.S. District Court, Southern District of Illinois, do
21 hereby certify that I reported with mechanical stenography the
22 proceedings contained in pages 1 - 7; and that the same is a
full, true, correct and complete transcript from the record of
proceedings in the above-entitled matter.

DATED this 7th day of March, 2015.

23 s/Molly Clayton, RPR, FCRR
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