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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: WATSON FENTANYL
PATCH PRODUCTS LIABILITY
LITIGATION,

) Docket No. 12 C 6296

) Chicago, Illinois
) May 23, 2013
) 1:30 p.m.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE MATTHEW F. KENNELLY

APPEARANCES:

For the Plaintiffs: HEYGOOD, ORR & PEARSON
BY: MR. MICHAEL E. HEYGOOD
2331 W. Northwest Highway
Second Floor
Dallas, Texas 75220

For the Defendant: ULMER & BERNE LLP
BY: MR. JEFFREY DANIEL GEOPPINGER
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(708) 860-8482

1 THE CLERK: 12 C 6296, In Re: Watson Fentanyl
2 Products Liability.

3 THE COURT: Good afternoon.

4 MR. GEOPPINGER: Good afternoon, your Honor. Jeffrey
5 Geoppinger for defendant.

6 MR. HEYGOOD: Michael Heygood for the plaintiffs.

7 THE COURT: I'm going to have to deal with you very,
8 very briefly here. Okay.

9 So, first of all, there's a motion for reassignment
10 of three related cases. This is document No. 34, Marsha.
11 It's granted. The three related cases are 13 C 3364, 3366 and
12 3367. So we'll put through the paperwork on that. I can't
13 deal with the settlements on those three cases until those get
14 reassigned.

15 On the other three, it's my understanding that there
16 was one of them that you wanted to submit something.

17 MR. GEOPPINGER: No, your Honor. The one that I
18 raised the issue with was one of the ones that you just
19 transferred, so that we're not going to be dealing with today.

20 MR. HEYGOOD: One of those three have already been
21 transferred, if it matters, but --

22 THE COURT: Whatever. I'm going to deal with them
23 later.

24 So is there something you want to file on one of
25 them?

1 MR. GEOPPINGER: You know, quite frankly, your
2 Honor --

3 THE COURT: Yes or no. I mean, seriously.

4 MR. GEOPPINGER: Yes, your Honor.

5 THE COURT: Which one?

6 MR. GEOPPINGER: The Hayes case.

7 THE COURT: Okay. Whatever you -- the response to
8 the motion for approval of the settlement in the Hayes case,
9 which is 3366, file it within a week. That's the 30th of May.
10 If you want to file anything in reply, Mr. Heygood, file the
11 reply by the 6th of June.

12 On the other three settlements, I read them
13 carefully. I assume that if I had a discussion at side bar
14 you'd say pretty much what you told me on the other ones.

15 MR. HEYGOOD: I would, your Honor.

16 THE COURT: Okay. And I'm confident that these are
17 dealt with appropriately. All three of those settlements are
18 approved. I know you've sent me orders. I will get those
19 entered. And, Marsha, I'll send those to you electronically.

20 Is there anything else we have to talk about?

21 MR. GEOPPINGER: I'd like to raise a couple of issues
22 with respect to the -- one on the Oklahoma case, your Honor.

23 THE COURT: Which name?

24 MR. GEOPPINGER: That's the Yusef Bowers case.

25 THE COURT: Okay.

1 MR. GEOPPINGER: The release -- obviously, there's a
2 minor beneficiary. The release that was submitted is only
3 signed by the plaintiff, who is the mother of the decedent but
4 doesn't appear to have custody of the minor. I just want to
5 make sure that the release is signed by someone who has the
6 authority to represent the minor.

7 MR. HEYGOOD: I mean, I know you're in a hurry,
8 Judge. That's going to create a whole big issue. We have a
9 contractual settlement agreement where the named signatories
10 are set forth who has to sign it. In that case they agreed in
11 a written settlement agreement that this is the one signatory.
12 If they're now asking for more signatories than they agreed in
13 the settlement agreement, that's a whole new can of worms
14 we're going to have to open up. I'm hearing about it for the
15 first time.

16 THE COURT: Let me ask you this question: Was
17 this -- is he right with what he just said?

18 MR. GEOPPINGER: I don't believe that's correct.

19 THE COURT: Okay.

20 MR. GEOPPINGER: And I believe, if I may, your Honor,
21 we need somebody who has authority to represent a minor.

22 THE COURT: Okay. Look. I mean, I would have
23 assumed that that would have been dealt with in the underlying
24 case. So here's the deal: If you want to object to that one,
25 that's the Bowers case, get your objection on file within a

1 week. But if what I ultimately find out, okay, and you file
2 an objection, what I ultimately find out is that Mr. Heygood
3 in what he just said is correct, a sanction will be imposed.
4 Not may, not probably, not possibly, will. Against lawyers.
5 Okay. So just choose your course carefully.

6 Is there anything else we have to talk about?

7 MR. HEYGOOD: No, your Honor.

8 The only question, do we need to come back for a
9 hearing for the ones that you didn't do?

10 THE COURT: No, you don't. I mean, once the things
11 get transferred to me and once I get whatever I'm going to get
12 on the other ones, if I need something I'll get you on the
13 phone.

14 MR. HEYGOOD: Thank you.

15 THE COURT: Okay. Take care.

16 MR. GEOPPINGER: Thank you, your Honor.

17 (Which were all the proceedings had in the
18 above-entitled cause on the day and date aforesaid.)

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C E R T I F I C A T E

I hereby certify that the foregoing is a true and correct transcript of the above-entitled matter.

/s/ Valarie M. Ramsey

05-28-2013

Court Reporter

Date