

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re: WATSON FENTANYL PATCH LITIGATION)	Case No. 12-cv-06296
)	MDL No. 2372
)	Judge Matthew F. Kennelly
)	This Document Relates To:
)	All Cases
)	

JOINT STATUS REPORT

NOW COME Lead Counsel for defendants in MDL 2372 and counsel for certain plaintiffs in the cases that remain pending in MDL 2372 and hereby file the following Joint Status Report in preparation for the upcoming status conference to be held with the Court in MDL 2372 on July 23, 2013.

I. Status of Pending HOP Cases

In MDL 2372, there are five (5) cases pending in which plaintiffs are represented by Michael Heygood of Heygood, Orr & Pearson (the “HOP cases”). The status of those cases are as follows:

1 & 2. *Brooks v. Watson* – Cause No. 1:12-cv-06879; USDC Western District of New York and *Orwig-Reihl v. Watson* – Cause No. 1:12-cv-06309; USDC Southern District of New York:

- The Court has approved the settlement in these two cases transferred from federal district courts in New York. However, pursuant to the terms of the court orders appointing the representatives of the Estates to pursue each of these claims, additional approvals are necessary from the New York Surrogate Court. Plaintiffs are in the process of obtaining those approvals. Once those are obtained, the parties will file a Rule 41 notice of dismissal in the *Orwig-Reihl* case and a request for dismissal of the Watson defendants in the *Brooks* case. A status report will be submitted in the Brooks case by July 26, 2013, with a

proposal for the handling of plaintiffs' claims against remaining defendant Dr. Mehta, as required by the Court's Order of July 16, 2013.

3. *Borowicz v. Watson* – Cause No. 1:12-cv-06312; USDC Southern District of Ohio:

- Probate Court approval of this case is required in Ohio. Probate Court proceedings are ongoing. The parties anticipate that such approval will be completed in August 2013, and once those proceedings are concluded and Probate Court approval is obtained, the parties will file a Rule 41 notice of dismissal.

4. *Hayes v. Watson* – Cause No. 13-cv-03366.

- Plaintiffs have made a motion requesting an Order approving the parties' confidential settlement. Defendants have opposed plaintiffs' motion on the grounds that Ohio Probate Court approval is necessary. A decision on plaintiffs' motion is pending.

5. *Bowers v. Watson* – Cause No. 1:12-cv-06296.

- This Court has approved the settlement of this matter. However, the Defendants have appealed such order approving settlement and appealed this Court's imposition of \$300 in sanctions to the 7th Circuit where the matter is being briefed pursuant to the directives of such Court.
- Defendants' Statement: The foregoing reference to the *Bowers* case as "pending" in MDL 2372 has been included at the request of Plaintiffs' counsel in that matter. However, Watson Defendants do not agree that *Bowers* case is "pending" in MDL 2372. The Court entered an order terminating that case [Dkt. No. 36], and certain orders in that case are now on appeal to the 7th Circuit. Defendants' counsel's signature to and submission of this report should not be considered or construed in any manner as an agreement or admission by Defendants or Defendants' counsel that the *Bowers* case remains "pending" in MDL 2372 such that certain orders in that matter are not properly on appeal.

II. Status of *Ross, Landry, and Samanie* Cases

Plaintiffs' counsel in *Rebecca Ross, et al. v. Watson Pharmaceuticals, Inc., et al*, Case No. 1:12-cv-06878, has made a demand. To date, no response has been forthcoming from the Watson Defendants because Watson Defendants and its carriers are still working to determine where each case falls in Defendants' insurance coverage. A mediation of the *Ross* case, originally scheduled for July 9, 2013, has been rescheduled to August 30, 2013, because the mediator unexpectedly had a conflict. The Watson Defendants will endeavor to respond to plaintiff's opening demand in the *Ross* case by August 20, 2013.

Landry v. Watson Pharmaceuticals, Inc., et al. Case No. 12-cv-09901, and *Jeanne Samanie, et al. v. Watson Pharmaceuticals, Inc., et al*, Case No. 1:12-cv-09898, are progressing in accordance with the scheduling order entered by the Court on April 23, 2013. No demands have been made in the *Landry* or *Samanie* cases.

Respectfully submitted,

/s/ Michael E. Heygood

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Pharmaceuticals, Inc., Watson Laboratories,
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and Watson Pharma, Inc.***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 22, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all attorneys of record registered with the Court's CM/ECF system.

/s/ Jeffrey D. Geoppinger _____