

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF LOUISIANA
3 LAFAYETTE DIVISION

4 IN RE: ACTOS (PIOGLITAZONE)) MDL NO. 6:11-md-2299
5 PRODUCTS LIABILITY LITIGATION)
6)
7 THIS DOCUMENT APPLIES TO:) JUDGE DOHERTY
8)
9 Civil Action Nos.:)
10)
11 6:12-cv-643 (Rec. Doc. 204))
12 6:12-cv-644 (Rec. Doc. 208))
13 6:12-cv-786 (Rec. Doc. 206)) MAGISTRATE JUDGE HANNA
14 6:12-cv-790 (Rec. Doc. 205))
15 6:12-cv-791 (Rec. Doc. 204))
16 6:12-cv-800 (Rec. Doc. 205))
17)

18 MOTIONS TO WITHDRAW AS COUNSEL OF RECORD

19 Transcript of Proceedings before The Honorable
20 Patrick J. Hanna, United States Magistrate Judge,
21 Lafayette, Lafayette Parish, Louisiana, commencing
22 on November, 25, 2014.

23 Cathleen E. Marquardt, RMR, CRR
24 Federal Official Court Reporter
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1 Appearances of Counsel:

2 For the Plaintiffs:

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8 For the Defendants:

No counsel present

9 Deputy Special Master:

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1 (Lafayette, Lafayette Parish, Louisiana; November 25,
2 2014, in open court.)

3 (Call to order of the court.)

4 THE COURT: Good morning, please be seated.

5 ATTORNEYS: Good morning, Your Honor.

6 THE COURT: All right. Let me first have the Actos
7 case. Do I have either -- and this 11-md-2299 -- Connie Turner
8 or Latina Jackson here, or any other plaintiffs from that case,
9 for that matter?

10 Okay. And who is this lady coming in?

11 MS. TERESA GRIFFIN: My name is Teresa Griffin.

12 THE COURT: Ms. Griffin. You were in the last group.

13 MS. TERESA GRIFFIN: And they didn't send it to my
14 address. It went to the wrong address.

15 THE COURT: Okay.

16 MS. TERESA GRIFFIN: They sent me a copy of the
17 envelope that says it was undeliverable.

18 THE COURT: Okay. Let me have you folks have a seat
19 for a minute.

20 Ms. Griffin.

21 MS. TERESA GRIFFIN: Uh-huh.

22 THE COURT: I believe I granted the motion for you to
23 withdraw as her lawyer, right?

24 MR. PFLEEGER: Yes, sir.

25 THE COURT: Ms. Griffin, come see for a second. Come

1 up here to the podium. I have a difficult time hearing you back
2 there.

3 Here's what happened. All right. Mr. Hingle's firm
4 filed a motion to withdraw as your lawyer --

5 MS. TERESA GRIFFIN: Uh-huh.

6 THE COURT: -- which I believe I granted -- I'm almost
7 positive of that -- last month, and so as you sit here today, you
8 are not represented.

9 The gentleman that you are seated with at this table,
10 Mr. Singleton, he is the liaison lawyer for unrepresented
11 lawyers [sic], all right, so you need to visit with him.

12 You have not been prejudiced by their withdrawal.
13 Okay. This case has been going on since 2012, I believe, the
14 beginning of 2012. We've had one trial. But a whole, whole lot
15 has happened in the case during that time. It's just the nature
16 of this beast.

17 What I need you to do is decide whether you wish to
18 continue in the case without a lawyer.

19 MS. TERESA GRIFFIN: I don't want to be in it because I
20 want to go back on Actos. It was the only thing that kept my
21 diabetes regulated.

22 THE COURT: Let's do this. Instead of you telling me,
23 I want you to talk to Mr. Singleton. And right behind him is one
24 of our special masters, Mr. Dejean, and you can tell them
25 everything you want to tell them, okay, and they are going to

1 help you decide what you need to do. Okay. All I can really do
2 is kind of point you to them. I can't give you advice.

3 And if they present me with an order, if you decide you
4 don't want to stay in the case, that's fine with me. It makes no
5 difference to me. Then I'll sign the order. If you want to stay
6 in the case, we need to get you a lawyer or get you taken care of
7 one way or the other. Okay.

8 So you are not in any kind of trouble, all right?

9 MS. TERESA GRIFFIN: Yes.

10 THE COURT: But if you would, talk to those two folks,
11 and they will figure out where to go.

12 All right. Mr. Pfleeger?

13 MR. PFLEEGER: Yes, sir.

14 THE COURT: Do we have service on Ms. Jackson and
15 Ms. Turner?

16 THE CLERK: Judge, we did talk to Ms. Jackson. She
17 didn't leave a voice mail. We actually spoke to her, and she
18 indicated she couldn't be here. And we told her that she could
19 contact Mr. Singleton and gave her that number.

20 THE COURT: All right. Did you get contacted by
21 Ms. Jackson?

22 MR. SINGLETON: I have not.

23 THE COURT: Mr. Dejean?

24 DEPUTY SPECIAL MASTER DEJEAN: Your Honor, Ken Dejean.
25 Ms. Jackson called me and stated she had another trial.

1 THE COURT: Uh-huh.

2 SPECIAL DEPUTY MASTER DEJEAN: It was a traffic ticket
3 and it was going to trial. She would get back with me and --
4 after speaking with her lawyers on the traffic ticket. I have
5 not heard back from her.

6 THE COURT: Okay.

7 DEPUTY SPECIAL MASTER DEJEAN: Okay. But I think she
8 intends to pursue her claim based on the last conversation with
9 her.

10 THE COURT: All right. And you want to make your
11 record as to Ms. Turner?

12 MR. PFLEEGER: Sure. We attempted --

13 THE COURT: And this is Mr. Pfleeger for --

14 MR. PFLEEGER: This is Bryan Pfleeger for plaintiff.
15 We attempted service through USPS. We sent it out on October the
16 24th. The letter has come back saying that --

17 MS. JOCHUM: It is still out.

18 MR. PFLEEGER: It is still out.

19 MS. JOCHUM: However, the regular mail has not come
20 back to us.

21 THE COURT: That being for Ms. Turner?

22 MR. PFLEEGER: That's on Ms. Turner.

23 THE COURT: Okay.

24 MS. JOCHUM: No, Ms. Jackson.

25 MR. PFLEEGER: Ms. Jackson, I'm sorry.

1 THE COURT: All right.

2 MS. JOCHUM: And Ms. Turner's all came back unclaimed.

3 THE COURT: Oh, boy.

4 MS. JOCHUM: Except for the regular mail didn't come
5 back at all.

6 THE COURT: Oh. So you believe that to be a good
7 address?

8 MS. JOCHUM: Yes.

9 THE COURT: All right. Well, I will grant the motion
10 as to Ms. Turner and Ms. Jackson.

11 And Mr. Singleton and Mr. Dejean, I'll generate an
12 order to get their attention to talk to you, all right?

13 Particularly Ms. Jackson. I'm a little concerned about that.

14 I will have a show cause order for Ms. Turner why her
15 case should not be dismissed.

16 As to these others that were supposed to show up here
17 besides --

18 (Conferring with law clerk.)

19 THE COURT: Okay. So Ms. Griffin's case will remain.

20 I will generate a report and recommendation dismissing
21 the cases of Sonia Webb, Excell Marks, and Joyce Marks. Okay?

22 Anything else?

23 MR. PFLEEGER: That's it, Your Honor.

24 THE COURT: So I have granted all of your motions,
25 right? I don't have any more outstanding?

1 MR. PFLEEGER: No.

2 THE COURT: Okay. Thank you very much.

3 MR. PFLEEGER: Thank you very much.

4 MS. JOCHUM: Thank you, Your Honor.

5 THE COURT: And so what's going to happen,
6 Mr. Singleton, is if you tell me what to do with this lady, I
7 will do whatever she needs to do. I will generate an order for
8 Ms. Jackson, Ms. Turner, to either contact you or show up here to
9 show cause why their case shouldn't be dismissed, and those
10 others I'll recommend dismissal.

11 MR. SINGLETON: And the Leach case we talked about
12 early on, Your Honor, we got a letter from -- a signed letter
13 from that day that the plaintiff did not choose to pursue the
14 case anymore. So we got a letter, and I got to talk to the
15 special master concerning that, and so we agreed that he does not
16 want to pursue, in the L-E-A-C-H case.

17 THE COURT: Ma'am, what's your name, please?

18 MS. MATTIE AMOS: Mattie Amos.

19 THE COURT: Oh, good. Okay.

20 All right. So that's take care of the MDL.

21 (Hearing concluded.)

22 **C E R T I F I C A T E**

23 I, Cathleen E. Marquardt, RMR, CRR, Federal Official Court
24 Reporter, do hereby certify this 21st day of December, 2014, that
25 the foregoing pages 1-8 constitute a true transcript of
proceedings had in the above-entitled matter.

/s/ Cathleen E. Marquardt
Federal Official Court Reporter