

**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 September 9, 2013.

I. Status of Pending HOP Cases

In MDL 2372, there are three (3) 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. *Orwig-Reihl v. Watson* – Cause No. 1:12-cv-06309:

The Court has approved the settlement in this case transferred from federal district court in New York. However, pursuant to the terms of the court orders appointing the representative of the Estate to pursue plaintiffs’ claims, additional approval is necessary from the New York Surrogate Court. Plaintiffs are in the process of obtaining that approval. Once that approval is obtained, the parties will file a Rule 41 notice of dismissal.

2. *Borowicz v. Watson* – Cause No. 1:12-cv-06312:

Probate Court approval of this case is required in Ohio. Plaintiffs’ Application to Approve Settlement and Distribution has been filed. Plaintiffs anticipate that a hearing on that Application will be held in the next 30 days.

Once the Probate Court has entered an Order approving the settlement, the parties will file a Rule 41 notice of dismissal.

3. *Hayes v. Watson* – Cause No. 1:13-cv-03366:

On August 27, 2013, the Court denied without prejudice plaintiffs' motion requesting an order approving settlement. Pursuant to that ruling, plaintiffs are in the process of obtaining approval of the settlement from the proper Ohio Probate Court. Once approval is obtained from the proper Ohio Probate Court, the parties will file a Rule 41 notice of dismissal.

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

1. *Ross v. Watson Pharmaceuticals, Inc., et al.*, Cause No. 1:12-cv-06878:

The mediation scheduled for August 30, 2013, was cancelled because defendants' representative had an unexpected and unavoidable conflict. As such, the parties have decided to work to reach a negotiated resolution on their own. The parties have exchanged several proposals, and attempt to negotiate a settlement are ongoing. The parties are aware of the upcoming fact discovery deadline of December 31, 2013, and they have identified the discovery that needs to be completed. However, the parties have placed the completion of that discovery on hold while they exchange settlement proposals. In the event a negotiated resolution is not agreed upon within the next 30 days, the parties intend to resume fact discovery and will work diligently to have it completed by the December 31, 2013, deadline.

2. *Landry v. Watson Pharmaceuticals, Inc., et al.*, Cause No. 1:12-cv-09901:

Defendants' Statement: Defendants have taken discovery from Plaintiff and have identified the fact discovery that they still need to complete in this matter, which includes depositions of relatives, treating physicians, and third-party fact witnesses all over the country. Defendants have also have identified some issues that may be appropriate for dispositive motions. Defendants are reluctant to pursue such voluminous and costly discovery and dispositive motions, however, because, once that is done the hope of settling this matter will be substantially reduced. Defendants view this non-death case as a nuisance value case which does not merit the expense of discovery and dispositive motion practice. Unfortunately, despite Plaintiff's counsel's prior representations to Defendants and this Court that a settlement demand could and would be made, Plaintiff has still yet to make any demand whatsoever.

Plaintiff's Statement: Plaintiff has recently undergone surgery to remove one kidney. We are awaiting medical records and reports related to the procedure in order to develop a settlement position and demand.

3. *Samanie v. Watson Pharmaceuticals, Inc.*, Cause No. 1:12-cv-09898:

Defendants have received written discovery responses from Plaintiff and have identified the fact discovery that they still need to complete in this matter. The parties have agreed to schedule Plaintiff's deposition in October. Defendants also have assessed plaintiff's alleged injury (drop foot) and her damages, which, in Defendants' evaluation, are extremely low to non-existent. Defendants' counsel has discussed their assessment of the case with Plaintiff's counsel, and the parties have expressed a mutual interest in attempting to resolve the matter before time and expenses are expended on further discovery. In that regard, Plaintiff's counsel will provide Defendants' counsel with a demand prior to the status conference on September 9, 2013.

Respectfully submitted,

/s/ Michael E. Heygood

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and Watson Pharma, Inc.***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 6, 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