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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

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IN RE: PRADAXA)	3:12-md-02385-DRH-SCW
(DABIGATRAN ETEXILATE))	
PRODUCTS LIABILITY ACTION)	MDL No. 2385
_____)	

This Document Relates to:

ALL CASES

TRANSCRIPT OF PROCEEDINGS
STATUS CONFERENCE
JUNE 12, 2014
BEFORE THE HONORABLE DAVID R. HERNDON
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiffs: Michael A. London, Roger C. Denton,
Seth A. Katz, Tor A. Hoerman, Mark R. Niemeyer, Steve Davis

For the Defendant: Beth S. Rose, Dan H. Ball,
Paul W. Schmidt, W. Jason Rankin, Tom Della Croce

Court Reporter:	Laura A. Esposito, RPR, CRR
	U.S. District Court
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Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 **(Court convened)**

2 **THE COURT:** Okay. So let's go on the record.
3 We've called the monthly conference for MD 2385, the Pradaxa
4 MD. Seth Katz is at the podium for the plaintiff;
5 Paul Schmidt's at the podium for the defendants.

6 First matter on the agenda is a report on Master
7 Settlement Agreement and the settlement status in general.
8 So who's going to address that?

9 **MR. KATZ:** I will, Your Honor. Seth Katz for the
10 Plaintiffs' Steering Committee.

11 The report on the settlement is that the
12 **certifications have all been filed and provided to counsel.**
13 The threshold required at the certification level has been
14 more than met and that makes the first threshold that had
15 to be cleared, cleared. I want to remind everybody that's
16 listening that their opt-in forms are now due July the 9th,
17 and encourage everyone to get them in as early as they can.

18 Thank you.

19 **THE COURT:** Okay. Thanks.

20 Next item on the agenda is the issue regarding Case
21 Management Order 77, claims administration. Is there
22 anything to address on that?

23 **MR. KATZ:** Your Honor, we have the claims from
24 **Brown Greer, the administrator who gave a report to the**
25 **parties and the Court prior to going on the record today.**

1 THE COURT: Okay. We also heard a report regarding
2 the lien resolution consultants. Anything that we should
3 talk about in that respect?

4 MR. KATZ: Really just the same report, that we
5 have someone here from **Providio who gave a report to the**
6 **parties and the Court before going on the record**, and we'll
7 be sharing information with Medicare shortly to get that
8 global lien resolution process going.

9 THE COURT: Okay.

10 MR. SCHMIDT: The only request, Your Honor, that we
11 made that the plaintiffs are considering is getting a copy
12 of whatever spreadsheet they prepare in that regard to
13 facilitate our own efforts.

14 THE COURT: All right. And in that regard, I know
15 that names and Social Security numbers are important for the
16 administrators and for the lien resolution issues, so
17 hopefully we'll be able to work that out because, otherwise,
18 these things can drag on unmercifully, and we want to make
19 sure that we -- in this case in particular that we
20 facilitate that to the greatest extent possible, so I
21 appreciate if we can get some cooperation on that.

22 MR. KATZ: Should not be a problem, Your Honor.

23 THE COURT: I know that we've got a stay in place,
24 and that stay is there to facilitate everything that's going
25 on with respect to trying to get the provisions of the

1 Master Settlement Agreement working and facilitated.
2 However, I know there are some other things that need to be
3 done between the parties by consent and so I want to make
4 sure that the stay doesn't inhibit that kind of consent and
5 conciliation on matters that need to get resolved. So I
6 understand the parties are working on a number of things,
7 and will be presented to me in consent form, and that
8 certainly is not something that the stay contemplates
9 preventing from happening, and we've discussed that
10 pre-conference, and so the parties are not inhibited from
11 continuing to try to resolve differences on matters that are
12 designed to facilitate the issues at hand.

13 And so gentlemen, I understand you're working on
14 certain matters?

15 MR. KATZ: We are, Your Honor. A proposed order
16 for Your Honor's review and consideration and modification,
17 if the Court sees necessary, has been provided by e-mail
18 that both the plaintiffs and defense have agreed to.

19 THE COURT: Okay.

20 MR. SCHMIDT: That's correct, Your Honor.

21 THE COURT: Are there any other matters we need to
22 discuss?

23 MR. SCHMIDT: The only other matter is a matter
24 reraised in chambers, which is, we are beginning the process
25 of thinking about how to handle certain discovery issues,

1 document issues that arise. The most immediate one is
2 obsolete materials where we've been talking with the PSC
3 about how to handle those materials. We hope to submit a
4 CMO on that next week, and then looking forward, we'll be
5 reaching out to the PSC on other issues about what the
6 appropriate way to deal with those issues is.

7 *THE COURT:* I think it was clear, and defendants
8 certainly are clear, that they understand they're still
9 under a continuing obligation with respect to preservation
10 and other discovery issues; not production, but certainly
11 not destroying or doing anything other than preserving
12 issues. It would be certainly prudent on their part to
13 begin planning their sort of exit strategy from those things
14 without acting on that, and that's certainly fine because we
15 want to make sure that we are able to wrap this settlement
16 up within the terms the parties have negotiated, and until
17 that's confirmed situation, it would not be appropriate to
18 act on that strategy. It's clear to me that the defendant
19 understands that.

20 *MR. SCHMIDT:* That is our understanding,
21 Your Honor.

22 *THE COURT:* Very good. Anything else?

23 *MR. SCHMIDT:* That's all.

24 *MR. KATZ:* That's all. Then the next conference
25 date, Your Honor.

1 *THE COURT*: That next conference date will be
2 July 28th. The Court portion of that conference will be at
3 1:00. I'll be picking a jury that morning, so hopefully
4 we'll have the jury selected by 1:00. In any event, we'll
5 take a break so that we can attend to this business.

6 So nothing further, we stand adjourned. And I
7 appreciate everyone's work.

8 (*Court adjourned*)

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REPORTER'S CERTIFICATE

I, Laura A. Esposito, RPR, CRR, CCR(MO), Official Court Reporter for the U.S. District Court, Southern District of Illinois, do hereby certify that I reported in shorthand the proceedings contained in the foregoing 6 pages, and that the same is a full, true, correct, and complete transcript from the record of proceedings in the above-entitled matter.

Dated this 4th day of August, 2014.

LAURA A. ESPOSITO, RPR, CRR, CCR