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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
AUGUST 26, 2014
BEFORE THE HONORABLE DAVID R. HERNDON
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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

For the Defendant: Dan H. Ball, Paul W. Schmidt,
Robert Limbacher

Court Reporter: Laura A. Esposito, RPR, CRR
U.S. District Court
750 Missouri Avenue
East St. Louis, IL 62201
(618) 482-9481

Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 **(Court convened)**

2 **THE COURT:** Let's call to order the Pradaxa status
3 conference, MDL 2385. I'm told that people have been having
4 a hard time hearing. When you talk at the microphone,
5 please get close to the microphone so those who joined us by
6 phone can hear adequately.

7 The first item on the agenda is the report on the
8 master settlement agreement. Mr. Katz, you're going to
9 report on that?

10 **MR. KATZ:** I am, Your Honor. Seth Katz from
11 Burg Simpson for the Plaintiff's Steering Committee. If
12 it's okay with you, I'm going to combine Topics 1 and 2.

13 **THE COURT:** Sure.

14 **MR. KATZ:** **The threshold for the settlement to go**
15 **forward have been met.** The funding will occur
16 September 22nd. Report on the claims administration and the
17 special master, we've got reports from Brown and Greer, the
18 party that computed the thresholds, and plaintiffs
19 processing has gone well.

20 **MR. LIMBACHER:** And the parties, Your Honor --
21 Robert Limbacher.

22 **THE COURT:** If you'll get right next to that
23 microphone.

24 **MR. LIMBACHER:** Yes, Your Honor. Robert Limbacher
25 on behalf of the defendants. The parties have jointly

1 submitted a proposed COM 83 that reflects the parties'
2 agreement to set the funding deadline for September the
3 22nd.

4 THE COURT: Yeah. I'll enter that consent Case
5 Management Order today. Appreciate that.

6 MR. LIMBACHER: Your Honor, with regard to Item 3
7 on the agenda, there was a brief report by Eric Hudson from
8 the Butler Snow firm with regard to the status of compliance
9 with the implementation order. As Mr. Brown reported, there
10 have been, I believe, 130 opt-outs, but out of that group
11 only 19 have pending cases, and those 19 cases will be
12 subject to the implementation order.

13 There was one case with a plaintiff's lawyer out of
14 Louisiana where we're reviewing materials that were received
15 as recently as yesterday to see if there has been
16 compliance. To the extent it's the defendants' position
17 that the implementation order has not been complied with, we
18 will be coordinating with the Special Master, and to the
19 extent necessary, filing appropriate motions with the Court.

20 THE COURT: Mr. Limbacher, let me ask you, looks
21 like we had spectacular success on opting in. The 130 that
22 opted out are essentially people that just didn't send
23 opt-in forms. We just have had in credible success on
24 opting in.

25 MR. LIMBACHER: We have, Your Honor. It's, I

1 think, been surprising to both sides the level of
2 participation. And as I mentioned, the significant majority
3 of the relatively small number of cases that have opted out
4 do not have pending claims.

5 MR. KATZ: Your Honor, from the Plaintiffs'
6 Steering Committee perspective, obviously we urge everyone
7 to take the implementation order and its requirements
8 extremely seriously as they would any order of this Court.

9 THE COURT: That's a very good point, Mr. Katz.
10 The implementation mechanism is extraordinarily important,
11 and failure to follow the order of the Court in that respect
12 must be -- failure to comply with the Court's order will be
13 met with dismissal, and so if we don't have that compliance
14 then the cases just will not progress. So even if one
15 intended to opt out and proceed further, just simply won't
16 happen if the plaintiffs fail to follow the implementation
17 order.

18 So next I guess the next issue has to do with the
19 lien resolution.

20 MR. KATZ: Your Honor, we received a report from
21 Providio and the lien resolution is progressing very, very
22 nicely. We anticipate that governmental liens should have
23 agreements or at least hold back agreements in time that
24 they will not delay distribution of any funds to any
25 clients.

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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 5 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 2nd day of September, 2014.

LAURA A. ESPOSITO, RPR, CRR, CCR