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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
NOVEMBER 12, 2014
BEFORE THE HONORABLE DAVID R. HERNDON
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

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

For the Defendant: Dan H. Ball, Paul W. Schmidt,
W. Jason Rankin

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: Let the record reflect we're in open
3 court. We've called the Pradaxa monthly status conference,
4 the Pradaxa MDL 2385. So presenting for us this afternoon,
5 Seth Katz for the plaintiffs, Paul Schmidt for the
6 defendants.

7 First item on the agenda is report on the
8 settlement. Mr. Katz?

9 MR. KATZ: Good afternoon, Your Honor. Seth Katz
10 for the Plaintiffs Steering Committee. The pre-conference
11 meeting in chambers, we received detailed reports from the
12 claims administrator, liens administrator, and the special
13 master about the progress of the settlement. Everything is
14 moving along according to the pace that we hoped for.

15 We received Brown Greer's report on the number of
16 claims submitted, and there are really very few left with
17 potential open issues, and those should be sorted out in the
18 next week to 10 days with the current deadlines.

19 Providio gave an update on liens. There's a
20 Medicare global program in place down to five states for
21 Medicaid that they're still working with. And also have
22 worked with some of the Part C and private lienholders
23 through Rawlings and other entities. That's gone well. We
24 gave them data. We've gotten back two of the three lists
25 that we were supposed to have received back from Rawlings,

1 and we have a representative here in the courtroom. We
2 appreciate working with them and how smoothly it's gone to
3 date.

4 *THE COURT:* All right. Mr. Schmidt?

5 *MR. SCHMIDT:* I agree with everything Mr. Katz
6 said. The only thing I would add is, we understand that as
7 part of the lien resolution process there's a targeted
8 mailing date considered. We appreciate that in terms of
9 trying to round out the issues. And also, it's our
10 understanding that sometime between December 5th and
11 December 15th we'll get a report or documentation from the
12 plaintiffs as to where the liens stand, and that will be
13 very helpful. And we appreciate that as well.

14 *THE COURT:* Very good. Next agenda item?

15 *MR. KATZ:* Timing and schedule for payments. You
16 know, we're still optimistic, maybe cautiously optimistic
17 that the first payments to claimants in this settlement will
18 occur in December. Obviously it will all depend on lien
19 resolution, and the plan would be for the first wave of
20 payments to be made to claimants who have all their lien
21 issues resolved; for example, people that were Medicare only
22 where we have a global deal in place, or people that
23 Rawlings has already cleared. So that would be the only
24 hold-up, Your Honor. In fact, it looks like we'll be on
25 pace for late December, first round of payments. Hopefully

1 that won't change.

2 MR. SCHMIDT: And we're obviously committed to that
3 happening on the defense side. That's very important to us
4 as well. Our only caveat -- and I don't think there's a
5 disagreement on this -- is insuring that the MSA is complied
6 with, but we're committed to working to get to that
7 compliance.

8 THE COURT: Excellent. Appreciate your
9 cooperation, both sides, on that. It's critical for the
10 Court to make sure that MSA is complied with and we move
11 right along to try to expedite this as much as possible.

12 So the next agenda item?

13 MR. SCHMIDT: That dovetails exactly with what
14 Your Honor said about MSA compliance. We have a couple
15 cases -- the *Wiran* case, W-I-R-A-N; and the *Vicari* case,
16 V-I-C-A-R-I -- where we have filed motions that have not
17 been yet been opposed. It's been fully briefed in the
18 *Vicari* case, where the NLRB did not comply with the expert
19 requirement, the document requirement, the preservation
20 requirement. We'll look for Your Honor's guidance on those
21 issues, including, as we give an update in chambers, there
22 are other cases down the road that look like they will
23 present these issues.

24 THE COURT: Okay. Thanks. Next agenda item?

25 MR. SCHMIDT: The next agenda item is the summary

1 judgment motions, which we look to Your Honor on.

2 THE COURT: There were some motions for partial
3 summary judgment that have been filed shortly before the
4 case was settled. One was on design defect, the other one
5 on Pradaxa's warnings. In light of the settlement, the
6 Court is not going to require the PSC to file subsequent
7 responses. I think that defendants presented strong
8 arguments in those matters, but the settlement precluded a
9 need for the plaintiffs to file responses. Therefore, the
10 Court will declare those motions moot. We've been carrying
11 the motions but those motions will be moot at this point.

12 Next agenda item?

13 MR. KATZ: Your Honor, as part of the settlement,
14 obviously there are several thousand filed claims that, once
15 their claims have been paid or authorized to be paid, will
16 need to be dismissed. Part of the plan's package is a
17 stipulation of dismissal, so that's really just an
18 administrative issue that the parties are going to work on
19 together with the Court, with Debra, to come up with a
20 mechanism to get those stipulations filed with the clerk's
21 office without a deluge and swamping the Court's office with
22 that process.

23 MR. SCHMIDT: As I understand it, we'll work with
24 the PSC and with the Court to file some kind of master
25 docket notice of settlement that will attach the charts

1 where we do have those stipulations, and that will start the
2 dismissal process through the clerk's office.

3 *THE COURT:* Yes. We appreciate your efforts in
4 that regard. There are a number of ways we can do this to
5 try to help the clerk's office with being deluged. We
6 appreciate it.

7 So the next agenda item?

8 *MR. SCHMIDT:* The next agenda item was simply an
9 update. The defendants have been funding an MRC database
10 that houses plaintiff medical records. We provided the
11 Court and the plaintiffs with notice that we're going to
12 stop funding that database going forward, given where we
13 stand.

14 *MR. KATZ:* The PSC has no objection.

15 *THE COURT:* Very well. So that will be -- the
16 Court will expect that to take place and be allowed to shut
17 that database down.

18 So I think that's all the agenda items, except the
19 next conference, which we'll hold on December the 18th at
20 10:00. No further items to come before the court?

21 *MR. KATZ:* Thank you, Your Honor.

22 *THE COURT:* We stand adjourned.

23 *MR. SCHMIDT:* Thank you, Your Honor.

24 ***(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 18th day of November, 2014.

LAURA A. ESPOSITO, RPR, CRR, CCR