

**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 December 19, 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 is as follows:

1. *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. A hearing on that Application is now scheduled for February 21, 2014. Once the Probate Court has entered an Order approving the settlement, the parties will file a Rule 41 notice of dismissal.

2. *Hayes v. Watson*, Cause No. 1:13-cv-03366:

Probate Court approval of this case is required in Ohio, as determined by this Court. 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.

III. Status of *Ross, Landry, and Samanie* Cases:

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

The parties have reached agreement to settle this matter. The release language has been agreed upon and Defendants are awaiting return of an executed release. After that happens, payment will be made and this action will be dismissed with prejudice.

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

Defendants have been diligently pursuing discovery in this matter. Defendants have deposed Mr. Landry, his prescribing physician, his former live-in-partner, and his mother. A number of depositions still need to be taken, including several physicians in Hawaii and Las Vegas. In order to determine who else needs to be deposed, Defendants have been waiting for Plaintiff's counsel to supply promised medical records. Defendants learned of those records from Plaintiff's counsel in the course of settlement discussions. Defendants requested those records informally and believed that Plaintiff's counsel was going to voluntarily supply them. However, they never arrived, so Defendants served their Second Set of Requests for Production on September 23, 2013. Plaintiff did not timely respond to those requests and on November 21 Defendants' counsel sent an e-mail demanding those responses. On December 4, 2013 Plaintiff finally served "responses," but they were unsigned and claimed that there were no additional medical records. The following day Defendant's counsel reminded Plaintiff's counsel that he was the one that had identified these records and again demanded them. Plaintiff's counsel then conceded that additional records exist and are in his possession; but he further advised that he was traveling and could not provide them until he returned. Twelve pages of medical records arrived by fax, late on December 10, 2013. In the course of deposing Plaintiff's mother on December 12, 2013, it was determined that many more medical records had been collected by Plaintiff and sent to Plaintiff's counsel. Those records were emailed to Defendants' counsel during the deposition. Those documents are still to be reviewed for completeness and for potential deponents.

The parties have made significant progress in settlement discussions, but still remain some distance apart. The parties continue to talk to see if the remaining gap can be bridged.

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

The parties have reached agreement to settle this matter. Plaintiff has executed a release, and Defendants have completed payment. The Joint Stipulation of Dismissal has been filed on December 16, 2013.

Respectfully submitted,

/s/ Michael E. Heygood

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and Watson Pharma, Inc.***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 16, 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/ Kenneth R. Craycraft Jr.