

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In Re: WATSON FENTANYL
PATCH LITIGATION

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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 March 4, 2014.

I. Status of Pending HOP Cases:

In MDL 2372, there are two (2) 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 was filed and a hearing that held on February 21, 2014. Once the Probate Court has entered an Order approving the settlement and distribution, the release will be executed, payment will be made, and the parties will file a Rule 41 stipulation of dismissal.

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

Probate Court approval of this case is required in Ohio. Plaintiffs have opened an estate proceeding in Auglaize County, Ohio and are pursuing approval of the settlement. Once such approval is obtained, an executed release will be supplied, payment will be made, and the parties will file a Rule 41 stipulation of dismissal.

II. Status of *Landry* Case:

The only other case currently left in MDL 2372 is *Landry*, Cause No. 1:12-cv-09901. The parties have reached a settlement in that one. The parties are working on finalizing the settlement after which the case will be dismissed.

III. Proposed Termination of MDL 2372

MDL 2372 is effectively down to no cases. Three cases are tentatively still on the books, but it is just a matter of time before those settlements are finalized and the cases dismissed. It does not appear that a groundswell of additional fentanyl cases will be forthcoming that would justify a continuing MDL. In the 15 months since the mass settlement with HOP was reached, only 2 new fentanyl cases have been filed against defendants. And but one of those, a very recently filed case, is in federal court

Defendants submit that continuing MDL 2372 for a single case, one that has not even been transferred to the MDL yet, would not be an efficient use of judicial resources. Defendants propose that this Court suggest to the Judicial Panel that it should not transfer any more cases to MDL 2372. However, MDL 2372 should stay open to allow the settlements in the three remaining cases to be finalized and the cases dismissed.

Respectfully submitted,

/s/ Michael E. Heygood

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***Lead Counsel for Defendants Watson
Pharmaceuticals, Inc., Watson Laboratories,
Inc., a Nevada corporation, Watson
Laboratories, Inc. a Delaware corporation,
and Watson Pharma, Inc.***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 3, 2014, 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