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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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IN RE: TAXOTERE (DOCETAXEL)  
PRODUCTS LIABILITY LITIGATION

4

Docket No. 16-MD-2740  
Section "H"  
New Orleans, Louisiana  
Wednesday, May 29, 2019

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[THIS DOCUMENT RELATES TO:  
ALL CASES]

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TRANSCRIPT OF MOTION TO SHOW CAUSE  
HEARD BEFORE THE HONORABLE JANE TRICHE MILAZZO  
UNITED STATES DISTRICT JUDGE

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P R O C E E D I N G S

(WEDNESDAY, MAY 29, 2019)

(MOTION TO SHOW CAUSE)

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13:10:39 4

13:10:39 5

(OPEN COURT.)

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13:10:39 7

THE DEPUTY CLERK: Court's in session. You may be seated.

13:32:54 8

MS. BARRIOS: Good afternoon, your Honor.

13:32:54 9

THE COURT: Good afternoon. Okay.

13:33:04 10

MS. BERG: Good afternoon, your Honor.

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13:33:09 12

THE COURT: Good afternoon. I am just trying to see how many we have from which law firms. We have 18 from Bachus & Schanker and only one or two from Fears?

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MS. BRILLEAUX: I don't believe so, your Honor.

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13:33:34 16

THE COURT: Maybe I have the wrong list. All right. So I see that I have 16 from Fears. All right. Let's go with that first.

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13:33:39 18

All right. Are we ready to proceed?

13:33:44 19

13:33:47 20

MS. BRILLEAUX: Yes. Your Honor, just for the record, so we submitted the list to your Honor last night, the list of dismissal statements of no defense to dismissal and then also declarations of attempts.

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THE COURT: I think I was looking at the wrong list.

13:34:00 24

MS. BRILLEAUX: I think you might have been.

13:34:02 25

So we are going to read those into the record as we have

13:34:05 1 before. We can just submit the list of dismissed cases to your  
13:34:08 2 Honor.

13:34:08 3 Before we get started, though, I just want to mention, as  
13:34:11 4 I'm sure you recall at the hearing last week, Bachus & Schanker had  
13:34:16 5 123 cases on the show cause list for dismissal; Fears Nachawati had  
13:34:20 6 46. Fortuitously for plaintiffs' counsel, none of these cases were  
13:34:26 7 addressed at the hearing. Since then, Fears Nachawati has filed  
13:34:28 8 two dismissal and six statements; Bachus & Schanker has filed 20  
13:34:32 9 dismissals, 16 declarations, and 4 statements for a total of  
13:34:36 10 40 cases.

13:34:37 11 It's unclear to defendants why this wasn't done in  
13:34:39 12 advance of the May 21st hearing, but we identify on the attached  
13:34:44 13 list for your Honor the 22 cases that were dismissed, 16 cases that  
13:34:47 14 have declarations submitted, and 10 that have statements of no  
13:34:50 15 defense to dismissals.

13:34:52 16 And just to address briefly for your Honor, as to  
13:34:54 17 purported cures, which was not really the intent of defendants,  
13:34:59 18 Bachus & Schanker has advised of 55 purported cures since the  
13:35:04 19 May 21st conference. We received 35 purported cures on Sunday  
13:35:09 20 evening of Memorial Day weekend. Defendants did as much as we  
13:35:15 21 could to analyze those and assess those. As to the ones that we  
13:35:17 22 received yesterday afternoon, we were not able to look at.

13:35:20 23 We did our best to reduce the list for your Honor to make  
13:35:23 24 this a more efficient process, but when working with cures less  
13:35:27 25 than 24 hours before the hearing, we were only able to do so much

13:35:32 1 as to assess the validity of whether those deficiencies were cured  
13:35:35 2 or not.

13:35:36 3 THE COURT: Okay. And I am going to say it again. We  
13:35:41 4 discussed this at the last conference. To be perfectly blunt,  
13:35:48 5 these two law firms, Bachus & Schanker and Fears Nachawati, this  
13:35:54 6 has been an ongoing problem with failure to promptly cure, and I  
13:36:01 7 have no doubt that what I will hear from plaintiffs' counsel in  
13:36:05 8 both of these law firms is, well, there was a great deal for us to  
13:36:10 9 do.

13:36:11 10 Very frankly, I am not sure that's my problem. These  
13:36:16 11 were Plaintiff Fact Sheets that were submitted blank in most cases  
13:36:21 12 and some cases just woefully incomplete. That should be handled on  
13:36:28 13 the front end and not on the back end. And so these cures need to  
13:36:34 14 be taken care of promptly. There are deadlines in place that have  
13:36:38 15 not been recognized. Additionally, the declarations that are part  
13:36:44 16 and parcel of this process are to hopefully expedite this hearing.  
13:36:50 17 I expect this not to be an ongoing issue, and we are here today  
13:36:56 18 only because of failure to comply with the process that's in place.

13:37:01 19 So with that, let's proceed.

13:37:03 20 MS. BRILLEAUX: Thank you, your Honor.

13:37:09 21 THE COURT: If you're on the telephone, please put it on  
13:37:13 22 mute until we ask you to because it becomes very noisy.

13:37:20 23 MS. BRILLEAUX: Thank you, your Honor. We can give to  
13:37:23 24 the court reporter the list of dismissals. I think at the last  
13:37:27 25 hearing we also handed over the list of statements and the

13:37:30 1 declarations, we can do that again if your Honor's okay with that.

13:37:33 2 THE COURT: Let's proceed in that manner.

13:37:47 3 MS. BRILLEAUX: Thank you, your Honor.

13:37:48 4 And just to continue on my point before, it's really come  
13:37:51 5 to defendant's attention that plaintiffs are waiting until the  
13:37:55 6 absolute last minute to do this, we were still getting dismissals  
13:37:58 7 this morning for today's hearing; and defendants do believe that  
13:38:01 8 there should be some sort of consequences for plaintiff's continued  
13:38:04 9 failure to address the notice deficiencies with the deadlines  
13:38:08 10 imposed by the Court and by the agreement of counsel.

13:38:11 11 Thank you, your Honor.

13:38:16 12 Okay. The first case that we have for Fears Nachawati is  
13:38:22 13 Josephine Armstrong, no PFS submitted.

13:38:27 14 THE COURT: Ma'am, you're going to have to tell me how to  
13:38:29 15 pronounce your name. Are you on the phone?

13:38:34 16 MS. GULEWICZ: Yes, this is Charlotte Gulewicz -- I'm  
13:38:39 17 sorry, I'm having trouble hearing.

13:38:41 18 THE COURT: How do you pronounce your last name, ma'am?

13:38:41 19 MS. GULEWICZ: Gulewicz.

13:38:41 20 THE COURT: Gulewicz.

13:38:41 21 MS. GULEWICZ: Yes, your Honor.

13:38:54 22 THE COURT: Okay. Thank you, ma'am. All right.

13:38:54 23 Ms. Josephine Armstrong, I see no PFS submitted.

13:38:58 24 MS. GULEWICZ: Yes. Your Honor, I see that we submitted  
13:39:00 25 the --

13:39:00 1 THE COURT: When?

13:40:01 2 (WHEREUPON, THE CONFERENCE CALL WAS DISCONNECTED.)

13:40:01 3 THE COURT: Ms. Gulewicz, can you tell me when you  
13:40:04 4 submitted this plaintiff fact sheet? Hello?

13:40:07 5 MS. GULEWICZ: I'm sorry, I missed the conversation.

13:40:09 6 THE COURT: We were talking about Josephine Armstrong and  
13:40:12 7 there is no plaintiff fact sheet submitted. Can you tell me when  
13:40:15 8 that was submitted?

13:40:17 9 MS. GULEWICZ: Oh, yes, your Honor. It was submitted May  
13:40:18 10 the 17th.

13:40:21 11 MS. BRILLEAUX: Your Honor, we do have a Plaintiff Fact  
13:40:26 12 Sheet, almost completely blank Plaintiff Fact Sheet. I have a copy  
13:40:29 13 of it for your Honor to review. And, your Honor, if you take a  
13:40:35 14 look at the Plaintiff Fact Sheet that was submitted, it's virtually  
13:40:39 15 blank, it doesn't include anything with regard to cancer treatment  
13:40:45 16 or diagnosis, there's no claim information, no information about  
13:40:48 17 hair loss. I mean, if you flip through it, it is basically just a  
13:40:52 18 shell blank Plaintiff Fact Sheet.

13:40:57 19 THE COURT: Ms. Gulewicz, submitting a blank Plaintiff  
13:41:02 20 Fact Sheet is not what we're looking for, and it is -- I mean, I  
13:41:05 21 see we filled out information that she was married and has an  
13:41:13 22 address.

13:41:16 23 MS. BERG: Your Honor, we don't have a copy, but is it  
13:41:21 24 substantially complete or is it --

13:41:23 25 MS. BARRIOS: Substantially complete would be proof that

13:41:27 1 she took docetaxel, the injury which would be photographs, and she  
13:41:32 2 would have signed the back of the form.

13:41:36 3 THE COURT: I am going to let you see this. It's  
13:41:42 4 virtually empty.

13:41:43 5 MS. BRILLEAUX: I'm sorry for not bringing more copies,  
13:41:46 6 but we were obviously --

13:41:48 7 THE COURT: We have page 23 requests -- why don't you  
13:42:02 8 show this. Ms. Gulewicz.

13:42:08 9 MS. GULEWICZ: Yes, your Honor. We submitted what the  
13:42:12 10 client gave us, you know. Our clients often sometimes leave stuff  
13:42:19 11 blank, they don't read something or they forget to flip to the back  
13:42:24 12 page. Like I said, we submitted what we could. But if we can get  
13:42:28 13 time, we can certainly cure all of the issues that we have here.  
13:42:36 14 But we submitted what the client gave us, and the client tries to  
13:42:39 15 be compliant but sometimes they just miss things.

13:42:41 16 THE COURT: Do you all look at these at all before you  
13:42:43 17 submit them?

13:42:46 18 MS. GULEWICZ: Yes, your Honor, we do.

13:42:49 19 MS. BRILLEAUX: And, your Honor, it's defendant's  
13:42:50 20 position that, and we've addressed this before, that plaintiffs'  
13:42:56 21 counsel is effectively filing nearly blank PFSs to avoid dismissal  
13:43:00 22 at these kinds of hearings and they don't have any substance that  
13:43:04 23 we can use to proceed with the claims.

13:43:06 24 THE COURT: Does liaison counsel have anything that they  
13:43:09 25 would like to?

13:43:11 1 MS. BARRIOS: Yes, ma'am, I would like to look at it. I  
13:43:15 2 did notice that she had checked that she was treated with name  
13:43:17 3 brand Taxotere, so that would have been her proof of use.

13:43:20 4 MS. BRILLEAUX: I did see that.

13:43:23 5 MS. BARRIOS: And then I am not aware of if she has  
13:43:27 6 photographs. I'm sure if she didn't have photographs Ms. Brilleaux  
13:43:32 7 would tell us that. If she signed the verification, the  
13:43:37 8 declaration, which actually, I do not see signed on page 25.

13:43:43 9 MS. BRILLEAUX: It's my understanding, your Honor, that  
13:43:46 10 this is the only thing that has been submitted, that we do not have  
13:43:48 11 photographs, that we don't have authorizations. I mean, we  
13:43:52 12 essentially just have this document, which is, as you can see, a  
13:43:57 13 di minimus attempt at submitting a Plaintiff Fact Sheet for the  
13:44:00 14 purposes of avoiding dismissal at this hearing.

13:44:04 15 MS. BARRIOS: Your Honor, I just would like to add. I  
13:44:06 16 know from my office that many times the verification is uploaded  
13:44:09 17 separately. Ms. Gulewicz, did you upload a separate verification  
13:44:15 18 or declaration, that would be page 25, of the Plaintiff Fact Sheet?

13:44:20 19 MS. GULEWICZ: Yes, we uploaded a separate verification  
13:44:22 20 and photos.

13:44:24 21 MS. BARRIOS: Did you upload authorizations?

13:44:28 22 MS. GULEWICZ: Yes, authorizations.

13:44:31 23 THE COURT: When were those uploaded?

13:44:36 24 MS. GULEWICZ: The authorizations were uploaded on the  
13:44:39 25 18th as well as the photographs.

13:44:42 1 THE COURT: Do we have any --

13:44:48 2 MS. BARRIOS: Your Honor, liaison counsel will take this  
13:44:51 3 over and work with her and work with Ms. Brilleaux to iron it out.

13:44:54 4 THE COURT: I think because there are too many unanswered  
13:44:57 5 questions, I don't know what has been uploaded. I am going to pass  
13:45:05 6 this to the next hearing.

13:45:07 7 MS. BRILLEAUX: And, your Honor, just to let you know, we  
13:45:10 8 have several on the list that are like this, this is not the only  
13:45:12 9 one.

13:45:13 10 THE COURT: Well, do we know if the other ones uploaded  
13:45:16 11 photos and authorizations and those different things?

13:45:20 12 MS. BRILLEAUX: I would appreciate for plaintiffs'  
13:45:22 13 counsel, because basically what defendants are looking at is, as  
13:45:25 14 you've seen, almost a completely blank PFS. So when defendants are  
13:45:29 15 looking at what the deficiencies are, really none of the questions  
13:45:34 16 in the PFS have been answered. So even if we have photographs,  
13:45:37 17 we're still not getting answers to what's the heart of the case,  
13:45:42 18 which is the Plaintiff Fact Sheet.

13:45:43 19 THE COURT: Right. And I understand that, but I think if  
13:45:45 20 they've sent you authorizations to get medical records and that  
13:45:47 21 sort of thing --

13:45:52 22 MS. BRILLEAUX: Right. Your Honor, I do understand your  
13:45:55 23 question. I don't have broken down for me what exactly has not  
13:45:58 24 been submitted and what has, I just have the copies of the PFSs,  
13:46:03 25 which as you've seen, are basically blank. And I understand, you

13:46:08 1 know, submitting authorizations, but if we don't have the most  
13:46:11 2 basic questions from the PFS answered, we don't know how we can  
13:46:15 3 proceed with the case and we think it should be dismissed.

13:46:18 4 THE COURT: Okay.

13:46:19 5 MS. BARRIOS: Your Honor, again, Dawn Barrios, I'm sorry  
13:46:21 6 to interrupt.

13:46:22 7 But it was our working understanding with all of the  
13:46:25 8 defendants that the deficiencies that would be brought would be  
13:46:29 9 only for substantial completeness. And what I understand  
13:46:33 10 Ms. Brilleaux's arguing now is for other deficiencies that may be  
13:46:38 11 there on the Plaintiff Fact Sheet but do not render it  
13:46:42 12 substantially incomplete.

13:46:45 13 THE COURT: I understand that, Ms. Barrios. It is a bit  
13:46:50 14 disconcerting, though, to see that there is nothing -- I think  
13:46:56 15 there needs to be more of an attempt to provide information as to  
13:47:01 16 where treatment was rendered, by whom, and the dates so that  
13:47:06 17 appropriate -- when you get a release that you can do something  
13:47:09 18 with it.

13:47:09 19 MS. BRILLEAUX: Thank you, your Honor.

13:47:10 20 THE COURT: But again, I am not -- I don't know  
13:47:14 21 photographs -- what I am hearing is medical authorizations were  
13:47:18 22 uploaded, photographs were uploaded. I am going to pass this one  
13:47:23 23 and next month if we've not made some progress in learning where  
13:47:29 24 treatment was rendered, by whom, when, that's going to become  
13:47:36 25 problematic.

13:47:38 1 MS. BARRIOS: I understand, your Honor, and I'll work  
13:47:39 2 with both of the firms to see if we can have this resolved totally  
13:47:43 3 by next status conference.

13:47:44 4 THE COURT: Thank you. Let's go to Renee Dilorenzo. We  
13:47:50 5 have both Sanofi and 505s. Who is going to handle that?

13:47:54 6 MR. INSOGNA: Yes, your Honor, this is Nick Insogna for  
13:47:56 7 the 505 defendants. I'll handle some of these joint cases, if  
13:48:00 8 that's all right with the Court.

13:48:01 9 THE COURT: Okay. Thank you.

13:48:03 10 MR. INSOGNA: Are you all able to hear me?

13:48:04 11 THE COURT: I am.

13:48:05 12 MR. INSOGNA: Okay. This is a similar situation with  
13:48:08 13 Ms. Dilorenzo where on May 8th she submitted a Plaintiff Fact Sheet  
13:48:13 14 that's almost entirely blank after Section I.

13:48:16 15 I would just point out to your Honor, and this one  
13:48:23 16 doesn't even have the plaintiff's address in it, we don't have  
13:48:25 17 treatment dates, none of the information that goes into cancer  
13:48:28 18 staging, we don't have the medical history, list of medical  
13:48:31 19 providers. And the reason that I think this is such a concern for  
13:48:35 20 the defendants is it doesn't allow us enough information to even do  
13:48:40 21 analysis for bellwether selection.

13:48:42 22 And so where we have these cases where it's submitted  
13:48:46 23 after a show cause hearing, it's going to be three months later  
13:48:51 24 than we were entitled to before we have this information to even  
13:48:55 25 work these up for bellwether selection.

13:48:59 1 THE COURT: Well --

13:48:59 2 MS. GULEWICZ: Your Honor --

13:49:02 3 THE COURT: Ms. Gulewicz, I am listening.

13:49:06 4 MS. GULEWICZ: For this point it was a clerical error.

13:49:09 5 It looked like we did upload a blank Plaintiff Fact Sheet on May

13:49:13 6 the 8th, but it was simply an error of selecting the wrong document

13:49:17 7 when uploading into MDL Centrality. And we didn't know that this

13:49:25 8 was blank until I spoke with defense counsel at the phone call that

13:49:30 9 we had last week and they let me know that this was blank. And at

13:49:34 10 that point I realized it was a clerical error and I cured it. So I

13:49:39 11 apologize for that. It was not on purpose, it was certainly a

13:49:45 12 mistake.

13:49:48 13 MR. INSOGNA: Can I just clarify? Is counsel telling us

13:49:51 14 that an amended Plaintiff Fact Sheet has been uploaded now?

13:49:56 15 MS. GULEWICZ: Yes.

13:49:57 16 MR. INSOGNA: And when was that done?

13:50:00 17 MS. GULEWICZ: 5/28.

13:50:04 18 MR. INSOGNA: Your Honor, I think we just need some time

13:50:07 19 then to establish yesterday's submission.

13:50:07 20 THE COURT: Mr. Insogna, I am going to grant seven days

13:50:11 21 for you to verify.

13:50:13 22 MR. INSOGNA: Thank you, your Honor.

13:50:14 23 MS. GULEWICZ: Thank you.

13:50:15 24 THE COURT: Twanda Dunbr.

13:50:19 25 MR. INSOGNA: Your Honor, this is another Sanofi and 505

13:50:21 1 case. We have a similar situation. We don't have proof of use or  
13:50:28 2 proof of injury submitted. We also don't have plaintiff's prior  
13:50:31 3 medical history, cancer markers, chemo treatment dates, hair loss  
13:50:36 4 or hair treatment history, medical providers, prior medications,  
13:50:41 5 you know, basics like height, weight, smoking history.

13:50:45 6 THE COURT: There is no proof of use?

13:50:49 7 MR. INSOGNA: Correct. Just to be clear, your Honor, the  
13:50:51 8 deficiency notice was failure to submit a PFS. You asked  
13:50:57 9 previously whether some of the other ancillary documents have been  
13:51:00 10 submitted and in this case they have not been. We do have a  
13:51:05 11 declaration and authorizations.

13:51:07 12 MS. GULEWICZ: For this one the client has been  
13:51:12 13 unresponsive. The only thing she submitted was a substantially  
13:51:16 14 complete Plaintiff Fact Sheet. We submitted to the Court what we  
13:51:20 15 thought was right to submit when the client submitted it over to  
13:51:25 16 us, and we are requesting more time to get the documents because  
13:51:33 17 the client has been hard to contact. And like I said, the only  
13:51:39 18 thing she's given us is this substantially complete Plaintiff Fact  
13:51:44 19 Sheet and the authorizations.

13:51:47 20 THE COURT: I have to go back and look at the record.

13:51:50 21 MR. INSOGNA: Your Honor, I believe Ms. Brilleaux has a  
13:51:52 22 copy of this fact sheet if it would help you to see.

13:51:55 23 THE COURT: Right. So what I am showing is  
13:51:57 24 noncompliance, there's no Plaintiff Fact Sheet, and there is some  
13:52:01 25 information on here. She has not indicated -- there's no proof of

13:52:06 1 use. On page 6, it's just unknown. Wait a minute. No, that's  
13:52:23 2 not -- I don't go through these as quickly as you do. Dawn, come  
13:52:28 3 up here. Product ID is missing. Where is proof of use?

13:52:37 4 MR. INSOGNA: Your Honor, typically proof of use is  
13:52:40 5 submitted as a separate medical record that reflects chemotherapy  
13:52:43 6 with Taxotere.

13:52:52 7 THE COURT: I guess I am confused. Are you telling me  
13:52:57 8 that there's no medical records are attached, is that the concern,  
13:53:03 9 or that medical authorizations have not been attached?

13:53:06 10 MR. INSOGNA: Typically, your Honor, what we receive is  
13:53:10 11 separate submissions that reflect proof of use, photographs, proof  
13:53:15 12 of injury, authorizations, the declaration, and then the Plaintiff  
13:53:21 13 Fact Sheets. Originally this case was noticed for absence of any  
13:53:26 14 Plaintiff Fact Sheet. Subsequently, on May 21st plaintiff provided  
13:53:29 15 the fact sheet that you have, which we think does not have even  
13:53:33 16 enough factual information to allow bellwether analysis. We have  
13:53:37 17 received a signed declaration and authorization, we have not  
13:53:41 18 received any proof of use documentation or proof of injury  
13:53:44 19 documentation.

13:53:45 20 THE COURT: Okay. Ms. Gulewicz, I am looking and I am  
13:53:50 21 having to go through this Plaintiff Fact Sheet. What she says is  
13:53:54 22 she didn't know if she was treated with any of these, and there are  
13:53:59 23 no records indicating she was treated with docetaxel. So what  
13:54:04 24 information do you have that this lady actually treated with  
13:54:07 25 Taxotere or docetaxel?

13:54:11 1 MS. GULEWICZ: We filed this lawsuit just to make sure we  
13:54:16 2 didn't miss any statute of limitations. We don't have proof of use  
13:54:21 3 documentation. And because the client was missing for so long, we  
13:54:25 4 didn't have the proper authorization until recently. We have  
13:54:29 5 submitted a request but we don't have records back as of today, so  
13:54:34 6 I haven't been able to get those records.

13:54:40 7 MS. BRILLEAUX: And, your Honor, also just on behalf of  
13:54:42 8 both defendants, there's also a great deal missing. I mean,  
13:54:46 9 there's no information about the cancer treatment or diagnosis.

13:54:49 10 THE COURT: All right. I guess what I am asking, ma'am,  
13:54:52 11 are you telling me you're filing lawsuits with no idea if your  
13:54:56 12 client took the drug? Ma'am?

13:55:02 13 MS. GULEWICZ: We believe she did. She did --

13:55:05 14 THE COURT: Based on what?

13:55:06 15 MS. GULEWICZ: -- but we don't have any medical records  
13:55:08 16 showing, so we're in the process of obtaining that. But she's been  
13:55:12 17 very difficult to get a hold of.

13:55:13 18 THE COURT: Ma'am, based on what? Do you believe because  
13:55:18 19 she fills out? I don't know.

13:55:22 20 MS. GULEWICZ: Right.

13:55:28 21 MR. ELLIOTT: Your Honor, from my experience, when they  
13:55:30 22 call the firm, they think they took Taxotere. We're not going to  
13:55:35 23 sign it up unless they represent to us that they took it. So the  
13:55:39 24 client representing to the lawyer that they took Taxotere is, you  
13:55:43 25 know, should be some proof.

13:55:46 1 THE COURT: Well, you would think that they might check  
13:55:49 2 that off.

13:55:50 3 MR. ELLIOTT: I agree with you.

13:55:55 4 THE COURT: I'm sorry, this case -- Mr. Lambert, do you  
13:56:00 5 have something to contribute?

13:56:01 6 MR. LAMBERT: I'm sorry, your Honor. Palmer Lambert,  
13:56:06 7 co-liaison counsel for plaintiffs.

13:56:08 8 I understand Ms. Brilleaux's frustration and the Court's  
13:56:11 9 frustration, but I believe we're trying to take two steps at one  
13:56:15 10 time. And I am not aware whether this is a Fifth Circuit case or  
13:56:19 11 not if it's even eligible for bellwether treatment, but if the  
13:56:23 12 deficiency is no PFS submitted, if they make some effort to submit  
13:56:29 13 a PFS, then there's got to be a second deficiency issued by the  
13:56:33 14 defendants. And I understand Mr. Insogna's and Ms. Brilleaux's  
13:56:39 15 frustration with that. That's the process that we have in place.

13:56:42 16 If the Court wants us to discuss with defendants liaison  
13:56:46 17 counsel a more expedited process to deal with fact sheets that are  
13:56:52 18 not substantially complete submitted in response to a deficiency,  
13:56:57 19 then maybe we can talk about that. But I do -- these appear to  
13:57:04 20 have been filed on December of last year.

13:57:12 21 THE COURT: Oh, I agree, Mr. Lambert. I understand that  
13:57:14 22 they were filed in December of last year and would generally give  
13:57:17 23 them some time. But when you have a Plaintiff Fact Sheet that  
13:57:20 24 says, "I don't know." I don't know if I took -- even if the  
13:57:26 25 plaintiff said, "it is my belief that I took Taxotere," fine. Then

13:57:30 1 run down the records. But to just say unknown.

13:57:36 2 Is there an argument you want to make about that?

13:57:39 3 MR. LAMBERT: Your Honor, I am making a general statement  
13:57:42 4 about the process --

13:57:43 5 THE COURT: Right, right.

13:57:44 6 MR. LAMBERT: -- that's in place for deficiencies. I am  
13:57:47 7 not defending this particular --

13:57:50 8 THE COURT: I agree. I agree. The deficiency was no  
13:57:53 9 Plaintiff Fact Sheet submitted, no Plaintiff Fact Sheet has been  
13:57:55 10 submitted. And one has been submitted, it's just doesn't -- and I  
13:58:01 11 think, Ms. Brilleaux, we've been doing this every month for some  
13:58:06 12 time, and we have treated these differently, it's plaintiff  
13:58:10 13 substantially completed, this is what's missing and we give them an  
13:58:13 14 opportunity to cure it.

13:58:14 15 And just so I can tell you the frustration from the  
13:58:17 16 Court's point of view is, then I am looking at what has been  
13:58:21 17 submitted and it's not much benefit to anybody.

13:58:30 18 But Ms. Gulewicz, I am going to give you about 15 days to  
13:58:37 19 determine, show some proof of use and the photographs. And that's  
13:58:44 20 on Ms. Dunbar's case.

13:58:47 21 MS. GULEWICZ: Your Honor?

13:58:49 22 THE COURT: Yes.

13:58:51 23 MR. INSOGNA: Your Honor, if I may. There will be a  
13:58:54 24 number of cases that are like this with the Fears Nachawati firm so  
13:59:00 25 that may expedite things slightly. And I understand what the Court

13:59:02 1 is saying that typically it would need a deficiency notice to deal  
13:59:07 2 with these types of issues. Our concern is when the plaintiff  
13:59:11 3 submits this incomplete fact sheet at or after the hearing, it sets  
13:59:18 4 the process back.

13:59:19 5 THE COURT: Oh, I agree. I agree. But we're going to  
13:59:26 6 have this conversation a little bit later. Let me get through this  
13:59:30 7 list, but I think -- I will tell you my guess is, Ms. Gulewicz, and  
13:59:35 8 I know Mr. Elliott, unless you have no ability to read body  
13:59:39 9 language, or hear frustration, I am about done. And so everybody's  
13:59:49 10 got to up their game.

13:59:52 11 And frankly, these two law firms have been problematic.  
14:00:00 12 And so it is my sincere hope that next time I am not having to go  
14:00:05 13 through this empty blank Plaintiff Fact Sheets, that while they  
14:00:09 14 have been submitted, provide no information, that you work  
14:00:15 15 diligently to cure these ongoing problems.

14:00:18 16 Okay. Let's get to Linda Hall.

14:00:21 17 MS. BRILLEAUX: Yes, your Honor. For Linda Hall this was  
14:00:25 18 another no PFS submitted, and we did get a mostly blank one later.  
14:00:33 19 There was a discrepancy with plaintiffs' counsel about plaintiff  
14:00:37 20 apparently being incapacitated and being unable to fill it out and  
14:00:43 21 then later we got a half blank one.

14:00:45 22 THE COURT: Do you have proof of use?

14:00:47 23 MS. BRILLEAUX: So, your Honor, I don't think here we  
14:00:51 24 have made a separate determination of what else is lacking because  
14:00:54 25 of the half blank PFS. Defendants took the position that this is

14:00:59 1 not a complete PFS, it doesn't answer the questions, so we did not  
14:01:03 2 do a separate look at those specific aspects.

14:01:07 3 THE COURT: Ms. Gulewicz.

14:01:09 4 MS. GULEWICZ: Yes, your Honor. This is a client who is  
14:01:14 5 incapacitated. Her daughter is filing for guardianship and has a  
14:01:19 6 guardianship hearing on June the 13th. So her daughter filled out  
14:01:24 7 the Plaintiff Fact Sheet that we submitted. We submitted something  
14:01:29 8 so that the Court could see that we are attempting to comply with  
14:01:34 9 the obligations, but we are dealing with the daughter of the  
14:01:38 10 injured.

14:01:39 11 And like I said, she's incapacitated so we're doing what  
14:01:43 12 we can to make sure we're compliant, but we do need more time,  
14:01:47 13 specifically because the daughter won't have the guardianship  
14:01:51 14 hearing until June the 13th in order to --

14:01:53 15 THE COURT: I am going to give you until July 13th,  
14:01:59 16 that's a month after the guardianship hearing.

14:02:08 17 Kim Hatchew.

14:02:11 18 MS. GULEWICZ: Kim Hatchew is deceased, she passed away  
14:02:15 19 on the April 21st, so we are dealing with her husband to try to  
14:02:21 20 move forward with the case.

14:02:24 21 THE COURT: Okay. I am going to continue this one for  
14:02:26 22 60 days.

14:02:28 23 Angela Hicks.

14:02:32 24 MR. INSOGNA: Yes, your Honor. This is a similar  
14:02:33 25 situation where we received a substantially blank or largely blank

14:02:39 1 Plaintiff Fact Sheet on May 20th. So understanding the court's  
14:02:41 2 position, we would just ask that a substantially complete Plaintiff  
14:02:46 3 Fact Sheet be unloaded in 15 days or whatever your Honor thinks is  
14:02:50 4 appropriate.

14:02:50 5 THE COURT: Ms. Gulewicz, is there something  
14:02:53 6 extraordinary about this particular plaintiff?

14:02:55 7 MS. GULEWICZ: No, your Honor.

14:02:57 8 THE COURT: Fifteen days.

14:03:01 9 Katherine Johnson.

14:03:02 10 MS. BRILLEAUX: This is no before photos within five  
14:03:07 11 years of treatment.

14:03:08 12 THE COURT: Ms. Gulewicz.

14:03:11 13 MS. GULEWICZ: Before photos were submitted on the 21st.

14:03:15 14 MS. BRILLEAUX: Your Honor, it's for no before photos  
14:03:19 15 from within five years of treatment.

14:03:21 16 THE COURT: Are they within five years of treatment?

14:03:26 17 MS. GULEWICZ: Five years, let me see. So the treatment  
14:03:28 18 was from 2001 to 2008, and the photos -- I have one photo from 2001  
14:03:38 19 submitted and that's within the five years.

14:03:43 20 MS. BRILLEAUX: Your Honor --

14:03:45 21 THE COURT: I am going to give you seven days to confirm.

14:03:48 22 MS. BRILLEAUX: And, your Honor, just to confirm with  
14:03:51 23 these time periods, it's defendant's understanding that if these  
14:03:55 24 are not cured, they're ripe for dismissal.

14:03:57 25 THE COURT: That's correct.

14:03:57 1 MS. BRILLEAUX: Thank you.

14:04:00 2 THE COURT: Shirley Johnson.

14:04:02 3 MR. INSOGNA: Yes, your Honor. This is another where we  
14:04:07 4 received a substantially blank Plaintiff Fact Sheet on May 21st, so  
14:04:09 5 we would ask for that to be completed within 15 days.

14:04:13 6 THE COURT: Is there anything out of the ordinary with  
14:04:16 7 Ms. Johnson?

14:04:19 8 MS. GULEWICZ: No, your Honor.

14:04:20 9 THE COURT: All right. 15 days.

14:04:24 10 Carla Lee.

14:04:25 11 MS. BRILLEAUX: Yes, your Honor. These are before photos  
14:04:27 12 that are not dated.

14:04:35 13 MS. GULEWICZ: The before photographs, I have a date of a  
14:04:40 14 before photograph from December of 2009 submitted.

14:04:47 15 THE COURT: When did she receive treatment?

14:04:49 16 MS. GULEWICZ: 2010.

14:04:56 17 MS. BRILLEAUX: Counsel, did you upload the date to MDL  
14:05:00 18 Centrality? We're seeing the photo but they're not dated on MDL  
14:05:05 19 Centrality.

14:05:05 20 MS. GULEWICZ: MDL Centrality -- we uploaded -- it looks  
14:05:11 21 like there was a before photo that wasn't dated submitted the day  
14:05:15 22 of, but we cured that deficiency earlier today. We apologize for  
14:05:20 23 that misunderstanding -- it just looks like -- when we received  
14:05:24 24 your notice this morning that it wasn't dated, we went ahead and  
14:05:28 25 dated it.

14:05:29 1 THE COURT: Okay. Seven days for you to determine.

14:05:33 2 MS. BERG: We'll work with counsel to make sure it's on  
14:05:37 3 MDL Centrality.

14:05:39 4 THE COURT: Thank you, Ms. Berg. Stephanie Mullery.

14:05:43 5 MS. BRILLEAUX: Yes, your Honor. This is no after  
14:05:45 6 photos. And I actually have a photo, which I can put up on the  
14:05:49 7 ELMO just to save time. It's just plaintiff with a cap on, so it's  
14:05:58 8 not an after photo that we feel like is representative of  
14:06:02 9 plaintiff's current level of hair regrowth.

14:06:06 10 THE COURT: Ms. Gulewicz.

14:06:09 11 MS. GULEWICZ: It looks like we submitted after photos on  
14:06:11 12 the 20th.

14:06:13 13 THE COURT: They've showed me the photo and it looks like  
14:06:18 14 a headband that's basically covering her hair. How many did you  
14:06:23 15 submit?

14:06:24 16 MS. GULEWICZ: We submitted one after photo.

14:06:28 17 THE COURT: All right. I think you need an after photo  
14:06:30 18 with her hair where you can actually see her hair. So I am going  
14:06:35 19 to give you 15 days to cure that, but it's not appropriate to have  
14:06:41 20 a photo with some sort of covering on her hair.

14:06:47 21 MS. GULEWICZ: Okay, your Honor.

14:06:50 22 THE COURT: Nancia Pantoja.

14:06:58 23 MR. INSOGNA: Yes, your Honor, Nancia Pantoja. This case  
14:07:00 24 is another where we have a Plaintiff Fact Sheet that's largely  
14:07:02 25 incomplete. We don't have a date of diagnosis, cancer markers,

14:07:06 1 treatment date, number and frequency of cycles, chemo medication,  
14:07:10 2 prescribing physician or facility, any of that critical information  
14:07:17 3 to develop an analysis.

14:07:21 4 THE COURT: Ms. Gulewicz.

14:07:22 5 MS. GULEWICZ: Yes, your Honor. This is one of those  
14:07:24 6 Plaintiff Fact Sheet that we submitted which the plaintiff gave us  
14:07:27 7 photographs, authorizations, we did our best to submit what we  
14:07:32 8 could. And because the deficiency is no PFS, we just ask for 15  
14:07:36 9 days so we can submit a substantially complete.

14:07:39 10 THE COURT: I am going to grant 15 days.

14:07:43 11 Zelma Redden.

14:07:46 12 MR. INSOGNA: Yes, your Honor. Zelma Redden, we  
14:07:49 13 received -- actually, this is a case where received a Plaintiff  
14:07:53 14 Fact Sheet on May 7th, but then it appears earlier today that the  
14:07:58 15 case was dismissed because the plaintiff was actually treated Taxol  
14:08:02 16 and not Taxotere.

14:08:04 17 THE COURT: Okay.

14:08:06 18 MR. INSOGNA: So I think we just need to confirm the  
14:08:09 19 dismissal on this case.

14:08:09 20 MS. GULEWICZ: It's confirmed. I realized that I didn't  
14:08:13 21 dismiss it earlier and I went ahead and dismissed it.

14:08:16 22 THE COURT: Okay. Thank you. Daphne Sherlock.

14:08:22 23 MS. BRILLEAUX: Yes, your Honor. No before photos from  
14:08:25 24 within five years of treatment.

14:08:26 25 THE COURT: Ms. Gulewicz.

14:08:29 1 MS. GULEWICZ: This is one where the plaintiff has had a  
14:08:34 2 hard time finding photos within five years. We're just asking your  
14:08:39 3 Honor for additional time so we can ask the friends and family  
14:08:41 4 members and try to exhaust all avenues so we can get those before  
14:08:45 5 photos.

14:08:47 6 THE COURT: You know this has been filed for every a  
14:08:49 7 year? It was filed in April of 2018. I am going to give you seven  
14:08:55 8 days, but that's -- there should have been ample opportunity to  
14:09:01 9 cure this deficiency.

14:09:04 10 Wanda Vaughan.

14:09:07 11 MS. BRILLEAUX: Yes, your Honor. This was another  
14:09:10 12 substantially incomplete PFS. We received a PFS on May 13 for a  
14:09:16 13 plaintiff with this name but it doesn't identify the case number or  
14:09:19 14 the filing date, so defendants can't confirm whether it's actually  
14:09:24 15 the appropriate plaintiff. And the PFS is also nearly entirely  
14:09:29 16 blank.

14:09:29 17 THE COURT: Okay. Ms. Gulewicz.

14:09:34 18 MS. GULEWICZ: Well, the deficiency was no PFS submitted,  
14:09:37 19 so we took the stance that we did submit a Plaintiff Fact Sheet.  
14:09:46 20 We can go back in and cure the issues, but we just needed to  
14:09:51 21 show --

14:09:51 22 THE COURT: I'm going to give you 15 days.

14:09:56 23 MS. BRILLEAUX: And that's for the complete Plaintiff  
14:09:58 24 Fact Sheet, your Honor?

14:09:59 25 THE COURT: Substantially complete. I mean, there may be

14:10:01 1 some things that you can't have.

14:10:05 2 MS. BRILLEAUX: Thank you, your Honor.

14:10:05 3 THE COURT: Candace Williams.

14:10:06 4 MS. BRILLEAUX: Sorry. Candace Williams, no PFS.

14:10:11 5 THE COURT: Ms. Gulewicz.

14:10:13 6 MS. GULEWICZ: For Candace Williams?

14:10:17 7 THE COURT: Yes, ma'am.

14:10:18 8 MS. GULEWICZ: I see that we did submit a Plaintiff Fact  
14:10:23 9 Sheet on May the 14th for Candace Williams.

14:10:28 10 THE COURT: I am going to grant seven days for defense to  
14:10:31 11 confirm.

14:10:32 12 MS. BRILLEAUX: Your Honor, I'm just looking at my notes  
14:10:34 13 on this one. We have a PFS that doesn't identify the case number  
14:10:38 14 or filing date. We would request that that be cured within  
14:10:42 15 24 hours.

14:10:49 16 THE COURT: Well, you have the case number here on my  
14:10:51 17 list, so I'm curious.

14:10:53 18 MS. BRILLEAUX: The PFS has been uploaded for a plaintiff  
14:10:56 19 with this name but it doesn't have any of the identifying  
14:11:00 20 information so that we can verify that it is assigned to the  
14:11:03 21 correct plaintiff.

14:11:03 22 THE COURT: Okay. All right. Look, just within seven  
14:11:08 23 days cure that information, that is the docket number and -- what  
14:11:16 24 else was it? The date the complaint was filed?

14:11:19 25 MS. BRILLEAUX: It has neither the case number or the

14:11:21 1 filing date of the case.

14:11:22 2 THE COURT: Okay. Make sure that's done, Ms. Gulewicz,  
14:11:25 3 within 24 hours. I am going to give defendant seven days to  
14:11:29 4 determine if it's been cured.

14:11:30 5 And then we have Patricia Zarcone.

14:11:34 6 MS. BRILLEAUX: Yes, your Honor. This is after photos  
14:11:37 7 that are not dated and then no initiation of the CMO 12A process.

14:11:43 8 MS. GULEWICZ: Yes, your Honor. This is a case where the  
14:11:45 9 client has passed away and we're dealing with her husband. She  
14:11:51 10 died December 7th and we recently got in contact with him last  
14:11:56 11 month, and he's doing his best to try to work with us on this case.

14:12:01 12 THE COURT: All right. I'm going to give you 60 days on  
14:12:04 13 that one.

14:12:05 14 Ms. Gulewicz, I think we've completed the Fears Nachawati  
14:12:16 15 listing, so you certainly can get off the line. Let me just again  
14:12:24 16 caution you that when there's no PFS submitted, it's not enough to  
14:12:29 17 put a name on a piece of paper and file it and say, well, now a PFS  
14:12:33 18 has been submitted. There's got to be some effort made to complete  
14:12:36 19 the Plaintiff Fact Sheet.

14:12:40 20 And additionally, I am going to advise again that a great  
14:12:47 21 deal of this information could have been handled ahead of time.  
14:12:49 22 The deadlines mean something, and so when these corrections should  
14:12:55 23 take place, they need to be done timely.

14:12:57 24 Additionally, the declaration process was designed in  
14:13:05 25 order to avoid having to take so long in these, so I am going to

14:13:09 1 caution you that you need to take -- to participate in the process  
14:13:14 2 in a way that it was designed to take place. Okay. Thank you,  
14:13:20 3 ma'am.

14:13:20 4 MS. GULEWICZ: Thank you, your Honor. Thank you.

14:13:21 5 THE COURT: You can get off the phone now.

14:13:24 6 All right. Bachus & Schanker.

14:13:33 7 MR. ELLIOTT: Good afternoon, Judge, Chris Elliott.

14:13:35 8 THE COURT: Good afternoon. Let's go. Susan Campbell.

14:13:41 9 MR. ELLIOTT: We filed a dismissal yesterday.

14:13:44 10 MS. BRILLEAUX: Your Honor, our records show that it was  
14:13:46 11 filed last night at 9:51 P.M.

14:13:49 12 THE COURT: This matter is dismissed with prejudice.

14:13:52 13 Joann Charnock.

14:13:55 14 MR. INSOGNA: Yes, your Honor. This is a no Plaintiff  
14:14:00 15 Fact Sheet, at least as of 10:42 yesterday morning.

14:14:03 16 MR. ELLIOTT: We got word that the plaintiff passed away.  
14:14:06 17 We would ask for 30 days. Next of kin does wish to participate, so  
14:14:10 18 we expect to be able to get that all completed within 30 days, or  
14:14:15 19 60 days would be great.

14:14:16 20 THE COURT: When did you find out that she passed away?

14:14:19 21 MR. ELLIOTT: We didn't find that out until this month,  
14:14:23 22 and we just got the obituary, we found the next of kin on the  
14:14:27 23 obituary, so we've discovered -- anyway.

14:14:31 24 THE COURT: You didn't answer my question. When did you  
14:14:33 25 find this out?

14:14:34 1 MR. ELLIOTT: Within the last week.

14:14:40 2 THE COURT: I am going to give you 45 days.

14:14:45 3 MR. INSOGNA: Your Honor, I'm sorry, I am not able to  
14:14:48 4 hear Mr. Elliott. Is it possible to move a microphone or  
14:14:51 5 something?

14:14:51 6 THE COURT: I am going to ask him to do that now. They  
14:14:54 7 found out within the last week that Ms. Charnock died, so I am  
14:14:58 8 going to give him 45 days to get everything in order.

14:15:03 9 MR. INSOGNA: Thank you, your Honor.

14:15:05 10 THE COURT: Hattie Coleman.

14:15:08 11 MS. BRILLEAUX: Yes, your Honor. This is no proof of  
14:15:09 12 use, no before photos, and no initiation of the CMO 12 process.

14:15:14 13 MR. ELLIOTT: Actually, we have gone through the CMO 12  
14:15:17 14 process, your Honor, except for the deposition. We issued a  
14:15:20 15 subpoena duces tecum to Dr. Dozier's office. He stated that he  
14:15:26 16 switched companies and that right now he is looking through his  
14:15:30 17 system to see if we could get the evidence we need to move forward  
14:15:35 18 with her case.

14:15:37 19 THE COURT: Okay.

14:15:38 20 MR. ELLIOTT: We do have photos, we have a signed  
14:15:41 21 declaration, we have authorizations in there, ESI. We've done  
14:15:45 22 everything else that's required in this litigation. We just ask  
14:15:48 23 for more time so Dr. Dozier can check his records.

14:15:52 24 MS. BRILLEAUX: Your Honor, to reiterate, we have no  
14:15:53 25 proof of use, no proof of use of docetaxel, and no before photos.

14:15:59 1 Just to clarify, our records show that she's produced,  
14:16:04 2 plaintiff has produced photos labeled as before, but they're  
14:16:08 3 actually dated after her claims to chemotherapy treatment per her  
14:16:14 4 PFS.

14:16:15 5 MR. ELLIOTT: We can clarify that, your Honor. I don't  
14:16:17 6 have that in front of me right now.

14:16:18 7 THE COURT: All right. I am going to grant seven days.

14:16:22 8 MR. ELLIOTT: Well, your Honor, with the POU issue, I'd  
14:16:26 9 ask for a little more time with Dr. Dozier, because he is going  
14:16:29 10 through his system to backtrack and see what he can find us. It  
14:16:33 11 may take more than seven days.

14:16:34 12 THE COURT: I understand that, I am talking about the  
14:16:36 13 photos. But the 12A process, so you have started that.

14:16:45 14 MR. ELLIOTT: Yeah, we did that, we're at the deposition  
14:16:47 15 stage. We actually subpoenaed the doctor, and he said rather than  
14:16:52 16 take his deposition, he is going to look through the system to see  
14:16:57 17 if he can get us what he needs. I just don't know how much longer  
14:17:00 18 it's going to take him to do that. I would assume within the next  
14:17:02 19 30 days we would have that information.

14:17:08 20 MS. BRILLEAUX: Is that for proof of use or for CMO 12?

14:17:11 21 THE COURT: For proof of use, do you have any information  
14:17:13 22 that she took Taxotere?

14:17:16 23 MR. ELLIOTT: We have our client's representations to the  
14:17:19 24 law firm that she took it, and we have the proof that she lost her  
14:17:24 25 hair, we have the proof of injury. And so, you know --

14:17:30 1 MS. BRILLEAUX: Respectfully, your Honor --

14:17:31 2 MR. ELLIOTT: We sent a subpoena to Dr. Dozier's office.  
14:17:35 3 Like I said, he doesn't have the records available --

14:17:38 4 THE COURT: No, I understand that. So it's not --

14:17:43 5 MR. ELLIOTT: It's not really the product ID CMO 12.

14:17:47 6 THE COURT: It's not a product ID issue, it's we don't  
14:17:49 7 have proof that she took Taxotere or docetaxel.

14:17:54 8 MS. BRILLEAUX: Or chemotherapy.

14:17:59 9 THE COURT: And I guess my question is, so on page 5 and  
14:18:06 10 6 of the Plaintiff Fact Sheet --

14:18:13 11 MR. ELLIOTT: If I had it in front of me --

14:18:15 12 THE COURT: That's just where she checks -- oh, it's just  
14:18:18 13 you have to show records demonstrating. So the fact that she  
14:18:29 14 doesn't have records in hand?

14:18:30 15 MS. BRILLEAUX: We don't have any -- as we discussed  
14:18:34 16 before, it's not a product ID issue under CMO 12, it's an issue  
14:18:38 17 that she took any docetaxel at all and we don't have that.

14:18:43 18 THE COURT: You don't have the records.

14:18:44 19 MS. BRILLEAUX: Right. So we have nothing other than  
14:18:47 20 Mr. Elliott's representation that the plaintiff has represented to  
14:18:50 21 the firm, which I think is the representation of every plaintiff in  
14:18:54 22 this case. So we just don't have any proof of use that she took  
14:18:56 23 any docetaxel or Taxotere.

14:18:59 24 MR. ELLIOTT: Your Honor, I think I am confused here  
14:19:01 25 because their noncompliance says no CMO 12A. So they told us that

14:19:07 1 that was the noncompliance, so we went through and went through  
14:19:12 2 that process. I mean, that's their noncompliance description is no  
14:19:17 3 CMO 12A.

14:19:20 4 THE COURT: Listen.

14:19:27 5 MR. ELLIOTT: I can't as I sit here right now say that --  
14:19:34 6 anyway, I would just like more time for Dr. Dozier to go through  
14:19:38 7 his records. I think within the next 15 to 30 days he would have  
14:19:42 8 that back.

14:19:43 9 THE COURT: Why would I think that's different? I mean,  
14:19:45 10 it was filed in 2017, so it's been 18 months.

14:19:47 11 MR. ELLIOTT: Yeah, we file these sometimes because of  
14:19:49 12 the label chain. We're just concerned on how the Court might rule  
14:19:53 13 on a statute of limitations issue here. So some of these we had to  
14:19:56 14 file based on our client's representation that they took Taxotere.  
14:19:59 15 And then we go through the process. We did order the records, they  
14:20:02 16 come back, and sometimes they say records destroyed or sometimes  
14:20:06 17 they come back and they just don't have them.

14:20:08 18 But we've gone through a step further and it looks like  
14:20:11 19 Dozier may be able to find something for us, because the client --  
14:20:15 20 we wouldn't have filed the case but for our client telling us that  
14:20:18 21 she took the Taxotere and we have the proof of injury.

14:20:21 22 MS. BRILLEAUX: And our records show that there's no  
14:20:23 23 reference to chemotherapy at all, just that she had surgery. She  
14:20:26 24 had a left breast cancer mastectomy post chemo, so we don't have  
14:20:33 25 really any -- I'm sorry, history of left breast cancer post

14:20:38 1 mastectomy. So we don't have any even reference to chemotherapy  
14:20:42 2 treatment at all, much less docetaxel or Taxotere.

14:20:45 3 MR. ELLIOTT: I think we have some evidence, your Honor,  
14:20:48 4 to keep moving with the case. I just would like Dozier's -- if he  
14:20:54 5 comes back and says I can't find anything, then I am okay  
14:20:57 6 dismissing the case. But at this point --

14:21:00 7 THE COURT: When did you last speak to Dr. Dozier?

14:21:03 8 MR. ELLIOTT: I don't have the dates on here. These are  
14:21:09 9 notes from 5/20. Says we've gone through the CMO 12 process except  
14:21:14 10 for the deposition. After issuing a subpoena duces tecum to  
14:21:18 11 Dr. Dozier's office, wrote and stated that they have switched EMR  
14:21:20 12 companies, and if the records exist, they would be on that system  
14:21:22 13 as the client treated prior to 2008. So it would be a Sanofi case.  
14:21:27 14 Dr. Dozier's office is in touch with the EMR system and are trying  
14:21:31 15 to retrieve the records, which would show both CMO 12 and POU.

14:21:34 16 They are also giving me a contact from the EMR service so I can  
14:21:40 17 request documents from them, so we're doing our due diligence --

14:21:41 18 MS. BRILLEAUX: And, your Honor, we have received some  
14:21:43 19 medical records but none of them reference chemotherapy treatment  
14:21:47 20 at all. They reference a mastectomy but not chemotherapy.

14:21:53 21 THE COURT: I am going to come back to this one.

14:21:59 22 MR. ELLIOTT: Okay.

14:21:59 23 THE COURT: Kimberly Coombs. I'm hoping to get something  
14:22:01 24 that's easy.

14:22:01 25 MR. ELLIOTT: We filed a Plaintiff Fact Sheet on 5/27,

14:22:04 1 it's cured, your Honor.

14:22:05 2 MS. BRILLEAUX: Your Honor, this is one that we got over  
14:22:07 3 the Memorial Day weekend, and so we have not checked. We would ask  
14:22:12 4 for 24 hours to confirm that the deficiency has been cured and that  
14:22:17 5 it would be ripe for dismissal if it has not.

14:22:19 6 MR. ELLIOTT: And --

14:22:20 7 THE COURT: Well, wait a minute. I am not -- I mean,  
14:22:26 8 what bothers me is I am giving 15 days to cure certain things.  
14:22:31 9 Ms. Brilleaux, what bothers me in this circumstance, I give you 24  
14:22:34 10 hours to look at it and you decide that it's not enough. I am not  
14:22:37 11 prepared to allow you to dismiss cases based upon your review.

14:22:44 12 I am going to give you seven days, and you all work it  
14:22:47 13 out to confirm that a Plaintiff Fact Sheet has been filed. And  
14:22:51 14 then if it's not in compliance, then we'll deal with it. But it's  
14:22:58 15 hard for me to operate in the dark when I don't know -- what's not  
14:23:02 16 going to be acceptable is a Plaintiff Fact Sheet with a name and a  
14:23:06 17 date. But I would have to -- seven days.

14:23:10 18 Pamela Crawford-Burno.

14:23:14 19 MR. ELLIOTT: Same.

14:23:15 20 MR. INSOGNA: Yes, your Honor. This is another case  
14:23:17 21 where we were advised yesterday of a cure, so I think we just need  
14:23:20 22 seven days to assess.

14:23:22 23 THE COURT: So ordered. Jo Ann Dannenfelser.

14:23:28 24 MR. INSOGNA: Same, your Honor.

14:23:29 25 MR. ELLIOTT: She passed away. We're asking for a longer

14:23:33 1 extension than seven days.

14:23:35 2 THE COURT: When did she pass away?

14:23:37 3 MR. ELLIOTT: Let's see. Client died actually in August  
14:23:40 4 of 2018, we were trying to reach her and that's not why we know  
14:23:45 5 that she's passed away. So unfortunately, these didn't show up on  
14:23:50 6 a noncompliance until 30, 45 days ago. We did make diligent  
14:23:55 7 attempts to figure out and then we discovered that she's passed  
14:23:58 8 away, so we would ask for time to talk with the family and see if  
14:24:02 9 they want to participate -- actually it says we spoke with the  
14:24:06 10 father Eric -- anyway, we're asking for more time.

14:24:12 11 THE COURT: We need to come back to this one because this  
14:24:15 12 is a suit that was filed three months after she died.

14:24:19 13 MR. ELLIOTT: Yes. Okay. We can come back to that.

14:24:27 14 THE COURT: We'll come back to that.

14:24:28 15 MR. LAMBERT: Your Honor, this issue came up at the  
14:24:31 16 hearing last week on a different case, and liaison counsel are  
14:24:37 17 conferring with that counsel. We'll do the same with Mr. Elliott.  
14:24:42 18 I think --

14:24:42 19 THE COURT: And I understand that that can happen --  
14:24:50 20 let's just pass for right now. Let's just pass it for right now  
14:24:54 21 and we'll have a conversation after this.

14:24:55 22 MR. LAMBERT: There may be a need for a separate case to  
14:24:59 23 be filed with the survival claim.

14:25:01 24 MR. ELLIOTT: And we can amend to pursue the right of  
14:25:05 25 survivorship.

14:25:06 1 THE COURT: Let's just talk about this one later.

14:25:06 2 MR. ELLIOTT: Okay.

14:25:11 3 THE COURT: Lois Haworth.

14:25:12 4 MS. BRILLEAUX: Yes, your Honor. This is no proof of  
14:25:13 5 use.

14:25:14 6 MR. ELLIOTT: I am showing that we have proof of use.

14:25:17 7 MS. BRILLEAUX: We have a one-page record, it's a  
14:25:20 8 pre-2011 treatment, but we have a one-page record that's a  
14:25:24 9 consultation note post an abnormal mammogram that talks about the  
14:25:28 10 findings. But again, no evidence or even mention of chemotherapy  
14:25:33 11 treatment.

14:25:33 12 MR. ELLIOTT: Not according to my records, your Honor.  
14:25:35 13 Says received a recommendation for Taxotere, so there's some record  
14:25:41 14 in there that she took Taxotere.

14:25:44 15 MS. BRILLEAUX: But that's a recommendation and not --

14:25:44 16 MR. ELLIOTT: So this is my notes. My staff did a rush  
14:25:48 17 request for correct dates on 5/10. We believe this will produce  
14:25:52 18 the Taxotere proof of use. Right now we believe we have enough  
14:25:56 19 evidence to move forward because we have some records saying she  
14:25:58 20 got a recommendation for Taxotere and the client saying she took  
14:26:01 21 Taxotere.

14:26:01 22 We're getting the records, they will be here any day. We  
14:26:04 23 have an appointment this week to get any further missing  
14:26:08 24 information from the client and this will be cured, I mean, as soon  
14:26:13 25 as we get those records. So we ask for at least 30 days until we

14:26:16 1 get the records back. We did put a rush request in to the  
14:26:20 2 facility.

14:26:20 3 MS. BRILLEAUX: Your Honor, this was a case that was  
14:26:22 4 filed in March of 2018.

14:26:26 5 THE COURT: Mr. Elliott, I know you're frustrated. But  
14:26:29 6 let me tell you what's frustrating to me. It looks like there's no  
14:26:33 7 effort to get the information until you get on the list.

14:26:34 8 MR. ELLIOTT: We do. No, we do make effort. I can tell  
14:26:37 9 your Honor, before we file every case we have to have some proof,  
14:26:41 10 there's these exceptional circumstances, anomalies like the one  
14:26:43 11 where we file it because of the statute of limitations, but those  
14:26:46 12 are few and far between. We don't file -- we don't file them  
14:26:49 13 unless we have a Rule 11 basis, we have some record proof; and this  
14:26:50 14 one we do, she had a recommendation for Taxotere. That was the  
14:26:53 15 basis for the filing and her representations to us. We think we'll  
14:26:57 16 get more to validate that in the coming days, so.

14:27:02 17 THE COURT: I am going to give you 15 days. This has  
14:27:05 18 been pending since March of last year.

14:27:08 19 Faith Hernandez.

14:27:10 20 MS. BRILLEAUX: Yes, your Honor. This is no PFS  
14:27:11 21 submitted.

14:27:12 22 MR. ELLIOTT: We submitted it yesterday.

14:27:17 23 THE COURT: Seven days.

14:27:23 24 MS. BRILLEAUX: The next one is Lee Jones. I believe  
14:27:26 25 that's a 505(b)(2) case.

14:27:28 1 MR. ELLIOTT: Same, we just --

14:27:29 2 MR. INSOGNA: Sorry, your Honor. Lee Jones, we were  
14:27:31 3 advised last night that there was a Plaintiff Fact Sheet submitted,  
14:27:35 4 so we'd request seven days to check.

14:27:36 5 THE COURT: So ordered.

14:27:40 6 Dorothy Kuykendall.

14:27:46 7 MR. INSOGNA: Your Honor, this is a case where there has  
14:27:49 8 been no Plaintiff Fact Sheet submitted. One was submitted on  
14:27:54 9 May 26th, there are a significant number of blanks. I think this  
14:27:59 10 is similar to the Fears Nachawati circumstance, so --

14:27:59 11 MR. ELLIOTT: No, no -- I'm sorry, your Honor, can I  
14:28:03 12 speak to that? I personally went in to look at these Plaintiff  
14:28:07 13 Fact Sheets. I have an example of what we're doing. We're not  
14:28:12 14 filing blank Plaintiff Fact Sheets. I don't want to be lumped in  
14:28:15 15 with the Fears Nachawati situation.

14:28:21 16 I can give you an example. I will tell you we have  
14:28:22 17 difficulty from clients getting certain things like all of their  
14:28:28 18 health insurance information, identifying each pharmacy drugstore,  
14:28:33 19 you know. And what we do is we'll put something there that says  
14:28:37 20 discovery continues.

14:28:38 21 MS. BRILLEAUX: This is yours.

14:28:39 22 MR. ELLIOTT: So it's just -- you can see that we do go  
14:28:46 23 through these Plaintiff Fact Sheets. All of the basic identifying  
14:29:05 24 information is in there. All of the appropriate -- I mean, it's my  
14:29:13 25 belief that all of the appropriate boxes have been checked. These

14:29:16 1 are not blank. They're substantially filled out, probably to the  
14:29:19 2 tune of at least 70 percent. You know, so I just -- I don't want  
14:29:25 3 to be lumped in to these other situations.

14:29:28 4 THE COURT: Mr. Insogna, you said there's no health  
14:29:31 5 insurance information? What else?

14:29:33 6 MR. INSOGNA: No, your Honor. The items that I've noted  
14:29:35 7 are the date of cancer diagnosis, the cancer markers that go to  
14:29:40 8 staging, the dates of chemotherapy treatment, the name of the  
14:29:44 9 prescribing oncologist, prior medication history, and a list of  
14:29:52 10 other medical providers.

14:29:53 11 THE COURT: But do we have proof of use?

14:29:56 12 MR. INSOGNA: Yes, your Honor, proof of use was submitted  
14:29:58 13 in this case.

14:29:58 14 THE COURT: And proof of injury?

14:30:01 15 MR. INSOGNA: Yes, I believe so, your Honor.

14:30:08 16 THE COURT: All right. Then it's just some of the other  
14:30:15 17 information that you don't have?

14:30:16 18 MR. INSOGNA: Correct, your Honor. Information that  
14:30:20 19 would normally be subject to a deficiency notice. It was just that  
14:30:23 20 this was a Plaintiff Fact Sheet submitted after the last hearing  
14:30:26 21 and it's still blank in significant ways.

14:30:30 22 THE COURT: I am going give him 30 days to fill in those  
14:30:33 23 things. I think proof of use and proof of injury is more  
14:30:36 24 problematic, but I am going to give him 30 days to cure these other  
14:30:39 25 deficiencies.

14:30:40 1 MR. INSOGNA: Understood, your Honor.

14:30:42 2 THE COURT: Debra Laframboise.

14:30:48 3 MR. INSOGNA: Yes, your Honor. This case and the next  
14:30:51 4 several are cases where we were advised of Plaintiff Fact Sheet  
14:30:52 5 submission last night.

14:30:53 6 THE COURT: Okay. So seven days for those and let's go  
14:30:55 7 through these. Would that be Debra Laframboise, Brenda  
14:31:00 8 Lampkin-Blakemore; is that seven days?

14:31:03 9 MR. INSOGNA: Yes.

14:31:05 10 THE COURT: Sylvia Lewis?

14:31:06 11 MR. INSOGNA: Yes.

14:31:08 12 THE COURT: Wanda Lopez?

14:31:10 13 MR. INSOGNA: Correct.

14:31:12 14 THE COURT: And Sherri McDonald?

14:31:16 15 MR. INSOGNA: All the way through Kimberly Norwood, your  
14:31:19 16 Honor.

14:31:19 17 THE COURT: Let me read this for the record. Sherri  
14:31:22 18 McDonald, Yvonne Mitchell, Darlene Newtown and Kimberly Norwood.

14:31:27 19 As to all of those, the Court is going to grant seven days --

14:31:31 20 MR. ELLIOTT: Actually Mitchell, your Honor. All of  
14:31:34 21 these we filed Plaintiff Fact Sheets on. Mitchell, she's passed  
14:31:37 22 away, so we would just ask for the family to be able to go through  
14:31:42 23 the process. Just more time for her we'd ask.

14:31:47 24 THE COURT: Okay. I am going to grant 30 days on  
14:31:51 25 Ms. Mitchell. But you filed a Plaintiff Fact Sheet, right?

14:31:53 1 MR. ELLIOTT: Yeah, I mean we have family cooperation --  
14:31:56 2 actually, Yvonne doesn't look like we filed a Plaintiff Fact Sheet.

14:32:00 3 MS. BRILLEAUX: Yes. I think that that was --  
14:32:03 4 Mr. Insogna, that's one where we have no PFS submitted.

14:32:07 5 THE COURT: Okay. All right. As to --

14:32:07 6 MR. ELLIOTT: The others are correct, we did file  
14:32:09 7 Plaintiff Fact Sheets on.

14:32:10 8 THE COURT: The Court's going to grant seven days as to  
14:32:14 9 the others, 30 days to Ms. Yvonne Mitchell.

14:32:17 10 Drema Osborne.

14:32:20 11 MS. BRILLEAUX: This is a -- we were advised that there  
14:32:24 12 was a purported cure of the no PFS deficiency yesterday afternoon.  
14:32:29 13 So we would ask for 24 hours to confirm that it was uploaded as  
14:32:35 14 represented.

14:32:37 15 THE COURT: Okay. You want seven days to go through it,  
14:32:40 16 too?

14:32:41 17 MS. BRILLEAUX: Yes, thank you.

14:32:44 18 THE COURT: Mercy Ozuna.

14:32:46 19 MS. BRILLEAUX: Same situation, your Honor.

14:32:48 20 THE COURT: Seven days.

14:32:54 21 Jamie Payne.

14:32:56 22 MR. INSOGNA: No Plaintiff Fact Sheet as of yesterday  
14:32:58 23 afternoon, your Honor.

14:32:59 24 MR. ELLIOTT: We did file it yesterday evening.

14:33:01 25 THE COURT: You did?

14:33:02 1 MR. ELLIOTT: Yeah. Jamie Payne, she's been filed.

14:33:05 2 THE COURT: I am going to grant seven days to review.  
14:33:09 3 Vera Perez.

14:33:13 4 MR. INSOGNA: No Plaintiff Fact Sheet as of yesterday  
14:33:16 5 afternoon, your Honor.

14:33:16 6 MR. ELLIOTT: As of 5/27 Vera's cancer has come back,  
14:33:20 7 she's back on chemotherapy, she would like an extension, she is  
14:33:24 8 going through a difficult time. So I don't know, 60 days, I  
14:33:27 9 mean --

14:33:28 10 THE COURT: I'll give her 30 days.

14:33:28 11 MS. BIERI: We really can't hear Chris at all. I can  
14:33:28 12 hear Kelly just fine, so I don't know what Kelly's doing.

14:33:28 13 MR. ELLIOTT: Must be something wrong with this  
14:33:44 14 microphone, or maybe I just need to speak fuller.

14:33:44 15 THE COURT: You're not talking into the microphone.

14:33:44 16 MR. ELLIOTT: Okay. I'll just speak much closer. Sorry  
14:33:44 17 guys.

14:33:44 18 THE COURT: Linda Quarles.

14:33:45 19 MS. BRILLEAUX: Your Honor, this is no PFS submitted. We  
14:33:48 20 see that we were advised yesterday of a purported cure, so we would  
14:33:52 21 ask for seven days.

14:33:53 22 THE COURT: Court's going to grant seven days.

14:33:55 23 Paula Quill.

14:33:58 24 MR. INSOGNA: No Plaintiff Fact Sheet as of yesterday  
14:34:01 25 afternoon, your Honor.

14:34:02 1 MR. ELLIOTT: We did discover she did pass away and that  
14:34:05 2 was after the filing of her lawsuit. We would ask for 30 days to  
14:34:09 3 consult.

14:34:09 4 THE COURT: The Court's going to grant 30 days.  
14:34:13 5 Sophia Richards.

14:34:15 6 MR. INSOGNA: Your Honor --

14:34:15 7 THE COURT: Yes.

14:34:15 8 MR. INSOGNA: Sorry. May I ask, for the plaintiffs who  
14:34:18 9 have passed away is the 30 days to substitute a representative or  
14:34:21 10 to provide a Plaintiff Fact Sheet?

14:34:23 11 THE COURT: Well, hopefully both. But I will tell you  
14:34:26 12 that if it requires additional time, that's not with anyone sitting  
14:34:33 13 on hair hands, the Court will entertain a request to extend it.  
14:34:39 14 Because -- it just depends on your jurisdiction. Some  
14:34:41 15 jurisdictions you can get a representative appointed immediately,  
14:34:45 16 others it may take some time.

14:34:47 17 I am granting 30 days hopefully to have -- I don't know  
14:34:52 18 if the paperwork has been started on the representative and so this  
14:34:57 19 is already in the pipe, but if not, it may take some time and I  
14:35:04 20 would expect everyone to extend professional courtesies if  
14:35:10 21 someone -- because these case that I am looking at, this case was  
14:35:13 22 filed December 2018, she died after the filing, that means that, I  
14:35:19 23 am guessing, it was earlier this year, so it may take some time. I  
14:35:23 24 would expect you all to extend personal courtesies, but I am giving  
14:35:27 25 you 30 days today.

14:35:29 1 MR. ELLIOTT: Thank you.

14:35:29 2 MR. INSOGNA: Of course, understood, your Honor. I just  
14:35:30 3 wanted to confirm what our follow-up obligations are.

14:35:33 4 THE COURT: Sure. Ms. Berg.

14:35:34 5 MS. BERG: Your Honor, just to be consistent. For the  
14:35:39 6 plaintiffs that have been deceased and need to find a substitute,  
14:35:44 7 you've been giving 60 days. There's a few that were given 45 or  
14:35:50 8 30 days, and we just ask the circumstance where it may take a very  
14:35:54 9 long time to work through that those get 60 days.

14:36:03 10 THE COURT: Which one?

14:36:04 11 MS. BERG: That's Nos. 5 --

14:36:06 12 THE COURT: I tell you what, No. 5, she died last month.

14:36:09 13 MS. BERG: That was 60.

14:36:10 14 THE COURT: That's why I granted 60 days. These  
14:36:13 15 others --

14:36:15 16 MS. BERG: No. 16 was 60 days, 18 was 45 days.

14:36:23 17 THE COURT: I think, very frankly, in my view I was  
14:36:42 18 considering the fact that the woman just died, which is why I gave  
14:36:46 19 60 days, and that they'd made contact, but it was a month ago.

14:36:53 20 Some of the others, what I'm hearing is, "She's deceased.  
14:36:56 21 I'm in contact, I've been talking to her son." Well, I'm assuming  
14:36:59 22 things are already progressing. But if indeed it becomes  
14:37:04 23 problematic, then we'll deal with it. But I don't want to give  
14:37:08 24 anybody any opportunity to sit on their hands.

14:37:13 25 And so the reason of 60 days was because I did mark that

14:37:17 1 she died last month. Okay?

14:37:19 2 MS. BERG: Thank you, your Honor.

14:37:20 3 THE COURT: But thank you, Ms. Berg.

14:37:22 4 Sophia Richards.

14:37:25 5 MS. BRILLEAUX: Yes, your Honor, no PFS submitted.

14:37:31 6 MR. ELLIOTT: We actually have a representative going to  
14:37:33 7 her home this week and hope to have -- we would ask for seven days.

14:37:38 8 We made contact, so we need -- we'd like the notary to be able to  
14:37:44 9 get to the home and her to fill everything out and get it back to

14:37:47 10 us. I realize it's --

14:37:48 11 THE COURT: You have no information at all from this  
14:37:50 12 lady?

14:37:50 13 MR. ELLIOTT: The issue is, your Honor, we actually just  
14:37:53 14 discovered her new address. Sometimes our clients move, we have to  
14:37:56 15 skip trace them, and we find their address --

14:37:59 16 THE COURT: I am going to give you seven days. Don't  
14:38:04 17 take eight.

14:38:04 18 MR. ELLIOTT: Yes. Yes, your Honor.

14:38:08 19 Bridget Robinson.

14:38:10 20 THE COURT: And that's only because the suit was filed in  
14:38:13 21 December. Bridget Robinson.

14:38:16 22 MR. INSOGNA: Yes, your Honor. No Plaintiff Fact Sheet  
14:38:18 23 submitted.

14:38:19 24 MR. ELLIOTT: This is the same situation. We have,  
14:38:21 25 actually, an appointment today at 8 P.M. she'll have her documents.

14:38:24 1 THE COURT: Seven days.

14:38:27 2 MS. BRILLEAUX: The next one, your Honor, Sarah Rundell  
14:38:30 3 is no before photos.

14:38:33 4 MR. ELLIOTT: We've uploaded a before photo on 5/27  
14:38:37 5 (VERBATIM), I'm told it's within five years. So I think we've  
14:38:41 6 cured that.

14:38:41 7 MS. BRILLEAUX: So our notes show that it is dated summer  
14:38:47 8 2002, but that the, according to the PFS, chemo treatment took  
14:38:54 9 place in March through May of 2002, so this would actually be an  
14:38:59 10 after photograph rather than a before.

14:39:01 11 MR. ELLIOTT: I need to run that around, your Honor. My  
14:39:03 12 understanding is that we cured this, so I fully expect that that's  
14:39:07 13 within the five. But I'll -- if you give me seven days, I can get  
14:39:10 14 that.

14:39:11 15 THE COURT: The Court's going to grant seven days. Did  
14:39:14 16 you look at the photo today?

14:39:16 17 MS. BRILLEAUX: I mean, I personally did not. But -- we  
14:39:21 18 have the photo was uploaded on May 7th, 2019 and that it's dated  
14:39:27 19 summer 2002, which doesn't align with the chemo treatment dates.

14:39:32 20 THE COURT: I thought you said -- when did you upload the  
14:39:35 21 photo, Mr. Elliott?

14:39:36 22 MR. ELLIOTT: 5/7, May 7th.

14:39:41 23 THE COURT: Y'all go figure this out. Seven days.  
14:39:44 24 Carrie Rupert.

14:39:46 25 MS. BRILLEAUX: Yes, your Honor. This is for -- this is

14:39:50 1 a similar issue, no before photos. We have that the only photo  
14:39:55 2 that is labeled before is dated after chemotherapy treatment. It's  
14:40:00 3 dated January 15th, 2013, and the treatment dates in the PFS are  
14:40:05 4 June 2012 through August 2012.

14:40:09 5 MR. ELLIOTT: I have notes here we've uploaded all of her  
14:40:13 6 core documents, her photos, declaration signature page, medical  
14:40:17 7 records, authorizations, proof of use. We're also waiting to go  
14:40:20 8 through the CMO 12 process to gather the results so we can confirm  
14:40:24 9 the manufacturer. That's all I have. I have everything else being  
14:40:27 10 compliant.

14:40:28 11 THE COURT: I am going to give you seven days to figure  
14:40:30 12 this out.

14:40:33 13 Louise Sena.

14:40:35 14 MS. BRILLEAUX: Yes, your Honor. This is no before  
14:40:37 15 photos, similar issue. The only photo labeled before is dated  
14:40:41 16 after chemo.

14:40:47 17 MR. ELLIOTT: We uploaded before photos on 5/27. We  
14:40:52 18 spoke with her Ms. Sena at the time to let her know she needs to  
14:40:54 19 gather any other information for her PFS, but it looks like we've  
14:40:58 20 uploaded Plaintiff Fact Sheet, authorizations, photos, proof of  
14:41:02 21 use, and CMO 12 product ID has been identified. So I am not sure.  
14:41:09 22 I would ask for seven days, I guess.

14:41:12 23 MS. BRILLEAUX: Your Honor, again, the issue is that the  
14:41:14 24 photo labeled before is dated with a date that is inconsistent with  
14:41:19 25 it being a before.

14:41:20 1 THE COURT: I understand that.

14:41:21 2 MR. ELLIOTT: I can get that clarified in seven days.

14:41:24 3 THE COURT: Let's get that. Seven days. Something about  
14:41:28 4 this is not making sense.

14:41:31 5 Imogene Seymore.

14:41:33 6 MS. BRILLEAUX: Yes, your Honor. This is no before  
14:41:34 7 photos from within five years of treatment.

14:41:36 8 MR. ELLIOTT: Before photos we uploaded on 4/22; however,  
14:41:39 9 they are not within five years, she is correct. However, we did  
14:41:44 10 have her sign a written statement that the rest of her photos were  
14:41:48 11 lost in a house fire, this is an exceptional circumstance where she  
14:41:52 12 lost --

14:41:52 13 THE COURT: How far out was her before photos?

14:41:55 14 MR. ELLIOTT: I don't have that information -- oh,  
14:41:57 15 actually, this one might have been like eight years and it's not  
14:42:01 16 within five.

14:42:02 17 MS. BRILLEAUX: My notes show from 12 years, 12 years  
14:42:05 18 before chemo.

14:42:06 19 MR. ELLIOTT: Might be thinking of a different one. We  
14:42:09 20 do have a statement from her that her photos were lost in a house  
14:42:13 21 fire.

14:42:13 22 THE COURT: Nobody else in her family has a photo of her?  
14:42:16 23 I mean, where did the 12-year photo come from?

14:42:18 24 MR. ELLIOTT: I mean, we go to their house, you know, we  
14:42:20 25 do everything we can to get the before photos. We know how

14:42:24 1 important that is to the Court and the litigation. If you give me  
14:42:29 2 seven days, I can try to see if there's any others. But at the end  
14:42:33 3 of the day, if that's the only before photo she has and she lost  
14:42:37 4 the rest in a house fire, then I think we've cured the deficiency.

14:42:40 5 THE COURT: Well, I know you think that. What's been  
14:42:44 6 frustrating to me, as I indicated last time, is this crutch that  
14:42:48 7 it's become. And I just wonder where the 12-year photo came from.  
14:42:54 8 If all of the photos were lost, where did this one come from? She  
14:42:59 9 didn't have a driver's license from before?

14:43:02 10 MR. ELLIOTT: I'll try all of this. I'll personally call  
14:43:06 11 her myself this week and see what we can do, what we come up with.

14:43:10 12 MS. BRILLEAUX: Your Honor, just for the purposes of  
14:43:12 13 consistency, it's defendant's understanding that no statements are  
14:43:15 14 supposed to be submitted unless and until you order them to be.  
14:43:20 15 And that is my understanding of how that's been instructed to the  
14:43:23 16 rest of the plaintiffs in this litigation.

14:43:25 17 THE COURT: And that's why -- I didn't say I was going to  
14:43:28 18 accept it.

14:43:34 19 MR. ELLIOTT: We don't generally have these situations  
14:43:37 20 where -- we know how important it is these days to make sure we  
14:43:44 21 have the within five before photos. My staff is very clear on what  
14:43:48 22 they're supposed to be getting. But this one, unfortunately, this  
14:43:51 23 is what we have.

14:43:53 24 If you give me seven days, I can try to clarify if that's  
14:43:57 25 it. But if it's it, we would ask that it not be dismissed.

14:44:13 1 THE COURT: Why would I do that, Mr. Elliott?

14:44:16 2 MR. ELLIOTT: I'm sorry?

14:44:16 3 THE COURT: Why would I do that?

14:44:18 4 MR. ELLIOTT: Why would you not dismiss it?

14:44:21 5 THE COURT: Yeah. This is where I am. This case was  
14:44:26 6 filed in March of last year, so that's been pending for now over  
14:44:33 7 14 months.

14:44:33 8 MR. ELLIOTT: Right.

14:44:36 9 THE COURT: And you were on notice that there was this  
14:44:38 10 deficiency and now -- but now if today you give me another seven  
14:44:44 11 days, I think I can probably cure this.

14:44:46 12 MR. ELLIOTT: Well, no. My position is we've cured it.  
14:44:49 13 We've uploaded the before photo that we have and we have a written  
14:44:52 14 statement from the client saying that the rest were lost in a house  
14:44:56 15 fire. I am representing to the Court what we're told by our  
14:44:59 16 clients. And so I think we've met our obligations.

14:45:09 17 If a client -- if that's all they have, I can't see why  
14:45:11 18 the case would be dismissed. I think your Honor even stated before  
14:45:15 19 if it was Katrina, or something like that, but why is a house fire  
14:45:18 20 any different than Katrina? It's the same kind of catastrophic  
14:45:22 21 situation where you lose valuable things.

14:45:25 22 So I think this could be one of these unique  
14:45:27 23 circumstances, at least that's what she's represented to us.

14:45:30 24 But again, if you'd like, I can go back and ask her, are  
14:45:35 25 you 100 percent sure, did you look under every stone to make sure

14:45:39 1 there's not another within five.

14:45:42 2 THE COURT: I think part of the problem was, what I  
14:45:43 3 indicated is that I would have to talk to the plaintiff to satisfy  
14:45:46 4 myself that there is some legitimacy to this claim.

14:45:46 5 MR. ELLIOTT: Okay.

14:45:51 6 THE COURT: And I don't know if she is an only child that  
14:45:53 7 has never had a relative and never attended any function outside of  
14:45:56 8 her home, but it's very hard for me to believe that anybody cannot  
14:46:00 9 get hold of a picture from five years prior to treatment. And I am  
14:46:05 10 not trying to be difficult, but I am going to give you seven days,  
14:46:09 11 but -- and then if you come back and say there was a house fire and  
14:46:15 12 it burned everything that anybody, everybody was storing everything  
14:46:20 13 at her house, I will have to question her --

14:46:23 14 MR. ELLIOTT: Okay. That's fine.

14:46:25 15 THE COURT: -- before I am satisfied.

14:46:28 16 MR. ELLIOTT: Okay.

14:46:29 17 THE COURT: Before I will accept an affidavit.

14:46:31 18 MR. ELLIOTT: We will do what we can to get her on the  
14:46:33 19 phone to satisfy your Honor.

14:46:35 20 THE COURT: Uh-huh. There is something you wanted to  
14:46:42 21 say, Ms. Barrios?

14:46:44 22 MS. BARRIOS: Your Honor, I was going to offer as an  
14:46:48 23 officer of the court to be the one to speak with the plaintiff  
14:46:52 24 about the availability of photos so you didn't have to do that.  
14:46:57 25 I'm happy to do that, your Honor.

14:46:59 1 THE COURT: Okay. Thank you.

14:47:02 2 MS. BARRIOS: And we'll report back to you.

14:47:03 3 THE COURT: I just think my concern has been because I  
14:47:09 4 did that in one case and then it opened this flood gate and it was  
14:47:14 5 easier to say I don't have photographs than to say -- and even when  
14:47:21 6 people have a house fire where you may lose everything in your  
14:47:25 7 home, very few people don't have somebody somewhere.

14:47:30 8 MS. BARRIOS: Everybody has a niece's wedding.

14:47:33 9 THE COURT: I told you that, that it's either graduated  
14:47:35 10 from high school, that has gotten married, or there's a baby  
14:47:38 11 shower. There is something somewhere where there is a photograph.  
14:47:42 12 Or you might have a job and you have to take a picture to get into  
14:47:47 13 the building.

14:47:48 14 MS. BARRIOS: That's a great idea.

14:47:50 15 THE COURT: People are going to have driver's licenses.

14:47:53 16 MS. BARRIOS: I believe Mr. Elliott is going to be in  
14:47:54 17 town for a couple of days, and I will make sure that he and I speak  
14:47:58 18 with the client and I will do a report to the defendants and to  
14:48:01 19 your Honor.

14:48:02 20 THE COURT: It's not enough to say I looked under my sofa  
14:48:04 21 and I didn't have any.

14:48:05 22 MS. BARRIOS: I totally understand, your Honor.

14:48:07 23 THE COURT: Okay. Thank you.

14:48:10 24 Deborah Short.

14:48:11 25 MS. BRILLEAUX: Yes, your Honor. No PFS.

14:48:20 1 MR. ELLIOTT: Oh, we made contact with Ms. Short. We  
14:48:24 2 have a representative going to the home to get her documents is my  
14:48:27 3 understanding. So we would ask for seven days.

14:48:40 4 THE COURT: I am going to give you seven days only  
14:48:42 5 because this was filed in December. But, gosh, you had notice  
14:48:46 6 before. This is beyond frustrating.

14:48:49 7 MR. ELLIOTT: Your Honor, just so you know, my office, I  
14:48:52 8 sent letters to the clients preemptively before the lawsuits are  
14:48:56 9 filed, we do that, we send them their blank PFS so they can get it  
14:49:00 10 back to us in a timely fashion. Just some folks are just harder to  
14:49:04 11 reach than others unfortunately. But it's not for a lack of effort  
14:49:08 12 on my office's part, I can tell you that for sure.

14:49:13 13 THE COURT: Lisa Simpson.

14:49:14 14 MR. ELLIOTT: We dismissed that on 5/21.

14:49:17 15 MS. BRILLEAUX: 5/21?

14:49:19 16 MR. ELLIOTT: That's what I have here.

14:49:20 17 MS. BRILLEAUX: We don't have a record of that dismissal.

14:49:23 18 THE COURT: It's dismissed with prejudice.

14:49:25 19 MS. BRILLEAUX: Thank you, your Honor.

14:49:26 20 THE COURT: Carol Smith.

14:49:31 21 MR. ELLIOTT: We had a bad address for her, so we were  
14:49:34 22 sending her letters. It looks like now we have made contact with  
14:49:37 23 her, she wishes to participate. We'd ask for another seven days.

14:49:42 24 THE COURT: Seven days.

14:49:44 25 Raelynn Smith.

14:49:45 1 MS. BRILLEAUX: No PFS submitted.

14:49:47 2 MR. ELLIOTT: Submitted on -- submitted yesterday.

14:49:51 3 MS. BRILLEAUX: We don't have -- was that in the list of  
14:49:54 4 cures that you sent?

14:49:55 5 MR. ELLIOTT: I am not sure. It may have been submitted  
14:49:58 6 last night, but it says filed on 5/28.

14:50:03 7 THE COURT: Seven days, Ms. Brilleaux, for you to  
14:50:06 8 confirm.

14:50:06 9 MS. BRILLEAUX: Thank you, your Honor.

14:50:07 10 THE COURT: Addie Smith.

14:50:09 11 MS. BRILLEAUX: Before photos not dated.

14:50:15 12 THE COURT: Date your photos within seven days.

14:50:17 13 MR. ELLIOTT: Seven days, okay.

14:50:19 14 MS. BRILLEAUX: Christine Smith, I think Mr. Insogna's on  
14:50:25 15 the line for that one.

14:50:26 16 THE COURT: Mr. Insogna?

14:50:29 17 MR. INSOGNA: Your Honor, Christine Smith is no before  
14:50:34 18 photos for proof of injury.

14:50:37 19 MR. ELLIOTT: We did upload before photos within five --  
14:50:42 20 correctly dated within five, I have notes here on 5/27.

14:50:45 21 THE COURT: I am going to grant you seven days to  
14:50:48 22 confirm.

14:50:49 23 MR. INSOGNA: Thank you, your Honor.

14:50:51 24 THE COURT: Chantel Southern.

14:50:53 25 MR. INSOGNA: No Plaintiff Fact Sheet submitted.

14:50:56 1 MR. ELLIOTT: Filed yesterday, your Honor.

14:50:59 2 THE COURT: Seven days to confirm.

14:51:02 3 Tammy Strong.

14:51:03 4 MR. ELLIOTT: Same, filed yesterday.

14:51:05 5 THE COURT: Seven days to confirm.

14:51:13 6 Judy Sublette.

14:51:15 7 MS. BRILLEAUX: Your Honor, for this one we have a

14:51:17 8 similar issue that we discussed before. We have a photo labeled as

14:51:19 9 a before photo but the dates do not match up, and our records show

14:51:24 10 that it's actually from after treatment.

14:51:26 11 MR. ELLIOTT: I show that we fixed that, your Honor.

14:51:29 12 THE COURT: I am going to give you all seven days to work  
14:51:32 13 through that.

14:51:33 14 MS. BRILLEAUX: Thank you, your Honor.

14:51:36 15 THE COURT: Nomindari Sukhee.

14:51:37 16 MS. BRILLEAUX: No PFS submitted.

14:51:39 17 MR. ELLIOTT: Another one we have an appointment at her  
14:51:42 18 home to get the documents. We would ask for seven days.

14:51:45 19 THE COURT: Seven days because it was filed in December.

14:51:48 20 Jill Sweeden.

14:51:50 21 MR. INSOGNA: No Plaintiff Fact Sheet, your Honor.

14:51:53 22 MR. ELLIOTT: Filed yesterday.

14:51:54 23 THE COURT: Seven days to confirm.

14:51:56 24 Ruby Tate.

14:51:57 25 MS. BRILLEAUX: No PFS submitted, your Honor.

14:51:58 1 MR. ELLIOTT: We discovered she passed away. I don't  
14:52:01 2 have any details on dates of when she passed, but we would ask for  
14:52:04 3 more time to reach the family.

14:52:08 4 THE COURT: So you haven't talked to anybody in the  
14:52:10 5 family?

14:52:11 6 MR. ELLIOTT: Actually, I misread that, it says family  
14:52:13 7 wishes to participate, so we have made contact with the family.

14:52:18 8 THE COURT: I am going to give you 45 days.

14:52:24 9 Rhonda Treash.

14:52:25 10 MR. ELLIOTT: Same, Plaintiff Fact Sheet was filed  
14:52:27 11 yesterday.

14:52:28 12 THE COURT: Seven days to confirm.

14:52:31 13 Marta Vargas.

14:52:33 14 MR. ELLIOTT: Filed yesterday.

14:52:34 15 THE COURT: Seven days for defense counsel to confirm.

14:52:41 16 Hope Vidal.

14:52:42 17 MR. ELLIOTT: Filed yesterday.

14:52:47 18 THE COURT: Seven days to confirm.

14:52:49 19 Teresa Whitlock.

14:52:50 20 MS. BRILLEAUX: Your Honor, no before photos from within  
14:52:53 21 five years of treatment.

14:52:54 22 MR. ELLIOTT: We have before photos were dated and  
14:52:57 23 properly uploaded on March 30th, those are my notes. Present day  
14:53:01 24 photos were properly dated and uploaded on the same day. So it's  
14:53:05 25 our belief that we have cured this.

14:53:09 1 MS. BRILLEAUX: None within five years of treatment.

14:53:11 2 MR. ELLIOTT: Says dated properly. We can clarify that  
14:53:14 3 if you give us seven days.

14:53:16 4 THE COURT: Seven days to work this out.

14:53:21 5 Debra Williams.

14:53:23 6 MS. BRILLEAUX: No PFS submitted.

14:53:26 7 MR. ELLIOTT: Filed yesterday.

14:53:31 8 THE COURT: Seven days to confirm.

14:53:33 9 Donna Wood.

14:53:34 10 MS. BRILLEAUX: No before photos from within five years  
14:53:38 11 of treatment.

14:53:44 12 MR. ELLIOTT: I asked her and she says she only has 1999  
14:53:48 13 photos, son lives in another state. We asked for other family  
14:53:52 14 members, she does not have any of her. She does not like photos.  
14:53:57 15 And so that was her excuse as to why she can't get us any photos  
14:54:01 16 within five, all she has is a 1999 picture.

14:54:03 17 THE COURT: She doesn't have a driver's license?

14:54:05 18 MR. ELLIOTT: I think the issue, her treatment was, you  
14:54:09 19 know, long ago, so she wouldn't have a copy of the driver's license  
14:54:13 20 within five. That's the issue. It's not a new treatment. The  
14:54:19 21 photos we have is the 1999.

14:54:25 22 When was this filed? This was filed in March, but that's  
14:54:27 23 her -- she understands, I mean, we had the conversation with her.  
14:54:34 24 She knows that you could dismiss her case, she understands that,  
14:54:38 25 but she says that's all she's got.

14:54:40 1 THE COURT: Ms. Barrios, do you have something to say?

14:54:43 2 MS. BARRIOS: Yes, ma'am. Your Honor, I will be happy to  
14:54:46 3 extend the same offer I extended before as an officer of the court,  
14:54:49 4 I'll get together with Mr. Elliott, we'll call the client and  
14:54:52 5 report to defense counsel and your Honor the substance of the  
14:54:56 6 conversation.

14:54:59 7 MR. ELLIOTT: I think in these situations, your Honor, we  
14:55:01 8 could technically call a friend, you know, if they're on trial or  
14:55:08 9 something and say, "What did her hair look like before her  
14:55:10 10 chemotherapy? Was it full? Was it thick?" We could have witness  
14:55:14 11 testimony that was spent time with her, co-workers and stuff like  
14:55:18 12 that. If there is, in fact, no pictures, there's other ways to  
14:55:22 13 prove it up is my point.

14:55:23 14 So I just hate to see these kind of cases get thrown out  
14:55:28 15 if we've done our due diligence and they've gotten us the best  
14:55:32 16 photo that they can get us. That's just my two cents. Anyway.

14:55:39 17 THE COURT: Go ahead, Mr. Lambert, you're halfway up.

14:55:42 18 MR. LAMBERT: Your Honor, I'm sorry. Palmer Lambert  
14:55:45 19 again.

14:55:46 20 We have had this conversation in prior show cause  
14:55:50 21 hearings, and it's the PSC's position that there are many different  
14:55:55 22 ways to potentially prove your case. And we're not at the stage of  
14:56:01 23 evaluating the sufficiency of the evidence regarding the  
14:56:08 24 pre-commission and the post commission and whether or not the hair  
14:56:13 25 loss was caused by a particular use of the defendant's product.

14:56:19 1           So at this stage, we're only evaluating what your Honor  
14:56:23 2 had asked us to evaluate, which is does the plaintiff have  
14:56:27 3 photographs in their possession that are responsive to the PFS. If  
14:56:31 4 they don't have them, they need to make some sort of verification  
14:56:34 5 as to why they don't have them and it has to be a good reason, I  
14:56:38 6 think is what your Honor said before, and it has to be signed and  
14:56:43 7 certified under penalty of perjury.

14:56:51 8           But I do think Mr. Elliott is correct, the fact that a  
14:56:53 9 single photograph exists more than five years before is not a valid  
14:56:59 10 basis for dismissal at this stage.

14:57:04 11           MS. BRILLEAUX: And just for the purposes of the record,  
14:57:07 12 the PFS and the following pretrial orders are clear that a photo  
14:57:12 13 within five years of chemo is a requirement under the PFS.

14:57:17 14           MS. BARRIOS: Your Honor, Dawn Barrios. The PFS actually  
14:57:20 15 says if you have it in your possession, it's limited to possession.  
14:57:24 16 But to shortcut the argument, I am happy again to --

14:57:28 17           THE COURT: I am going to grant seven days to give  
14:57:31 18 Ms. Barrios an opportunity to see what she can do.

14:57:34 19           Ramona Young.

14:57:36 20           MR. INSOGNA: No Plaintiff Fact Sheet, your Honor.

14:57:38 21           MR. ELLIOTT: We just filed it, ask for seven days.

14:57:42 22           THE COURT: When?

14:57:42 23           MR. ELLIOTT: And the same thing with Zupko, the last  
14:57:45 24 one, the PFS was filed.

14:57:47 25           THE COURT: I am going to grant the defendants seven days

14:57:50 1 to review.

14:57:53 2 MS. BRILLEAUX: Thank you, your Honor. Are there some  
14:57:53 3 that we need to revisit?

14:57:58 4 THE COURT: Yes, we have two we have to go back to.

14:58:01 5 MS. BERG: I think 19 and 21 -- or 22, 19 and 22.

14:58:16 6 THE COURT: Hattie Coleman.

14:58:16 7 MR. ELLIOTT: This is the doctor -- where their  
14:58:18 8 noncompliance description was no CMO 12A, so we go through that  
14:58:22 9 process. We got to the deposition stage of Dr. Dozier, he was  
14:58:25 10 willing to take a deposition, but he said, hey, let me check in my  
14:58:27 11 own records and see if I can get you what you need. So we're  
14:58:31 12 asking for at least 15 days just so that Mr. -- Dr. Dozier can see  
14:58:37 13 if he can get the docetaxel proof and the manufacturer for us; and  
14:58:40 14 if not, the case will get dismissed. I mean, I'm fine with that.

14:58:44 15 THE COURT: I am going to grant 15 days.

14:58:47 16 The thing that bothered me about this case is it was  
14:58:50 17 filed in 2017, so we're 18 months out.

14:58:55 18 MS. BRILLEAUX: And, your Honor, just again for the  
14:58:57 19 record and I just want to be very clear, we have received medical  
14:59:00 20 records in this case and none of them indicate even chemotherapy  
14:59:04 21 cycle.

14:59:05 22 THE COURT: I understand that.

14:59:06 23 MS. BRILLEAUX: Thank you.

14:59:06 24 THE COURT: And then Jo Ann Dannenfelser, that was number  
14:59:13 25 22 and she passed away, the best I can tell --

14:59:15 1 MR. ELLIOTT: Before her lawsuit was filed, that was one  
14:59:17 2 of those --

14:59:17 3 THE COURT: -- 8/28. And what's the story there?

14:59:22 4 MR. ELLIOTT: I don't think -- we were filing these  
14:59:29 5 because of the statute, you know, a lot of times. Just so we're  
14:59:34 6 compliant with that. So not necessarily we can always talk to  
14:59:37 7 these folks, and so a lot of our clients are not quite responsive  
14:59:41 8 to us in the first place. I have to actually send investigators to  
14:59:44 9 their house, knock on the door to get their cooperation. And so  
14:59:49 10 it's not haven't heard of that a client wouldn't call us back  
14:59:55 11 before.

14:59:56 12 If I have the Rule 11 basis to file their suit, that's  
14:59:57 13 what we're going to do. And unfortunately, we didn't discover that  
15:00:01 14 she had passed away until she showed up on a deficiency. And now,  
15:00:04 15 I guess, we've made contact with her father Eric and it looks like  
15:00:09 16 he wishes to participate. So we ask for some time.

15:00:12 17 THE COURT: Has Eric started -- did they do a succession?

15:00:19 18 MR. ELLIOTT: I don't have those details if he started in  
15:00:22 19 the state or if he's done any kind of probate paperwork. All I  
15:00:27 20 have is he wishes to participate, so.

15:00:32 21 THE COURT: Okay. Do you have something, Mr. Lambert?

15:00:34 22 MR. LAMBERT: Yes, your Honor. We're happy to discuss,  
15:00:37 23 as we were discussing with the other counsel from the first part of  
15:00:41 24 this hearing last week, whether or not the heirs want to pursue the  
15:00:48 25 appropriate survival action under whatever state law is applicable

15:00:51 1 to their claim, we're happy to discuss that and report back at the  
15:00:55 2 next conference.

15:00:56 3 THE COURT: Why don't we just pass this for 30 days until  
15:01:03 4 we see what we're going to do. Okay.

15:01:07 5 MR. ELLIOTT: I believe that concludes it.

15:01:11 6 MR. LAMBERT: Before Mr. Insogna leaves the phone, can we  
15:01:15 7 wish him a happy birthday?

15:01:17 8 THE COURT: It's your birthday?

15:01:17 9 MR. INSOGNA: It is, thank you.

15:01:21 10 THE COURT: Happy birthday.

15:01:22 11 MS. BRILLEAUX: Happy birthday, Mr. Insogna.

15:01:25 12 MR. INSOGNA: Thank you everyone.

15:01:26 13 THE COURT: I will not ask you how old you are.

15:01:35 14 MS. BARRIOS: The plaintiffs would like to tell  
15:01:38 15 Ms. Bieri, who was in a tornado shelter last night, but yet  
15:01:43 16 nonetheless got us the list, how much we appreciate her efforts.

15:01:47 17 THE COURT: Oh, my goodness.

15:01:48 18 MS. BRILLEAUX: And staff as well. But, yes, Ms. Bieri  
15:01:51 19 was literally driving to take shelter from a tornado and we still  
15:01:55 20 got the list last night.

15:01:56 21 THE COURT: Ms. Bieri, are you okay?

15:01:59 22 MS. BIERI: Yes, your Honor. Everything turned out just  
15:02:02 23 fine for us. Thank you for your kind words, Ms. Barrios, and yours  
15:02:06 24 as well, Judge Milazzo.

15:02:08 25 THE COURT: Okay. Well, I'm glad everyone is safe and

15:02:10 1 sound. I had no idea. We could have put this off some if that was  
15:02:16 2 necessary. I am very relieved to know you all are fine. Thank  
15:02:23 3 you.

15:02:23 4 MS. BARRIOS: Your Honor, I'm sorry, there's just one, I  
15:02:25 5 hate to say housekeeping record. A time ago in a show cause  
15:02:30 6 hearing there were three cases represented by Mr. Gordon Kessler:  
15:02:35 7 Jennifer Jennings, her case number 2:18-CV-10009; second is Romona  
15:02:52 8 Jimenez, No. 2:18-CV-09378; the next is Gennell King,  
15:03:05 9 No. 2:18-CV-09090. It's just really to correct the record.

15:03:10 10 The deficiency was that no CMO 12A process had begun and  
15:03:17 11 the actual statement on the transcripts instructs counsel to upload  
15:03:22 12 that to Centrality. Technically, that's not uploaded to  
15:03:26 13 Centrality, that is e-mailed to defense counsel. And plaintiffs'  
15:03:31 14 counsel was just very concerned that he wasn't following the orders  
15:03:34 15 of the Court, but what the Court had ordered is not the usual  
15:03:40 16 process. So I just wanted to make a statement on his behalf for  
15:03:43 17 the record.

15:03:43 18 THE COURT: Okay.

15:03:44 19 MS. BARRIOS: Thank you, your Honor.

15:03:45 20 THE COURT: Thank you.

15:03:45 21 MS. BRILLEAUX: Thank you.

15:03:47 22 THE COURT: All right. Thank you all.

15:03:52 23 (WHEREUPON, THE PROCEEDINGS WERE CONCLUDED.)

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