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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: VIOXX PRODUCTS * Docket No. MDL-1657
LIABILITY LITIGATION * Section "L"
 *
This document relates to * August 16, 2012
all cases *
 * 9:00 a.m.
* * * * *

STATUS CONFERENCE BEFORE THE
HONORABLE ELDON E. FALLON
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Herman Herman Katz & Cotlar
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For Merck: Stone, Pigman, Walther,
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3 Action Plaintiffs:

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6 For Ineligible or
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8 and Certain Other
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1 \$4.85 billion was set aside for that purpose. Over 99 percent
2 of the people opted into the settlement.

3 The settlement was a program that required them
4 to go through certain gates. They had opportunities to go
5 through that; then they had opportunities to get reevaluated in
6 the event they failed to go through that; and then they had an
7 opportunity to appeal in certain areas had they wished to do
8 so; and then, failing all of those gates, the matters were then
9 dismissed.

10 With regard to the Attorney General claims, the
11 Attorney Generals, many of the states have settled. We're down
12 to about seven or eight so far. We're now trying to decide how
13 to resolve those. Some of the cases are going back -- or wish
14 to go back, with remands; others wish to be tried. I've asked
15 the parties to meet and confer and give me some schedule of
16 those that will be tried and then we'll tee them up for trial.

17 There are other issues that are still remaining;
18 but as we can see from the attendance here today, we used to
19 have a full house in attendance, plus several hundred people on
20 the phone, everybody had an opportunity to speak and
21 participate in it. We go through some agenda first, but I'll
22 get to everyone who wishes to speak.

23 First, the class actions in the agenda.

24 **MR. HERMAN:** Good morning, Judge Fallon. On the
25 class actions, there are only two pending class actions,

1 purchase claims and consumer claims, and the parties are
2 meeting with regard to those matters.

3 **THE COURT:** Okay. How about the government actions?
4 Anything on that?

5 **MR. HERMAN:** Ms. Barrios is here. She'll make a
6 report, Your Honor.

7 **THE COURT:** All right.

8 **MS. BARRIOS:** Thank you, Mr. Herman.

9 Good morning, Judge Fallon. Dawn Barrios,
10 liaison counsel for the AGs.

11 As you noted, there are about five AGs who are
12 still remaining. After consultation with Mr. Herman, we're
13 going to set up a conference call tomorrow with them to inform
14 them of Your Honor's comments and to see what they wish to do.
15 There is an ongoing mediation with Mr. Juneau at this time.

16 **THE COURT:** Okay. Fine. Thank you very much.

17 **MS. BARRIOS:** Thank you, Your Honor.

18 **THE COURT:** Third-party payor claims?

19 **MR. HERMAN:** Judge Fallon, there have been six
20 objectors. The committee met by phone and we will be
21 addressing those one-by-one, face-to-face. We have
22 expectations that of the six most will be resolved before we
23 meet with Your Honor in October.

24 **THE COURT:** Okay. We have some pending personal
25 injury claims subject to PTOs 28, 29 and 43.

1 **MR. HERMAN:** I know Ms. Oldfather is here and she'll
2 report on those.

3 **THE COURT:** All right.

4 **MS. OLDFATHER:** Thank you, counsel.

5 Good morning, Your Honor.

6 There are ten groups of matters under the
7 "Personal Injury" header this morning, and with the Court's
8 permission, I'll start at the back.

9 **THE COURT:** Sure. Okay.

10 **MS. OLDFATHER:** And if Merck wants to respond as we
11 go along, that's fine, or I can just address them.

12 The last item on the joint status report has to
13 do with the *Velma Dunn* case, and Merck has suggested that the
14 case is more appropriately considered as part of the VTE group.
15 We've heard no objection from Ms. Dunn's counsel; and we don't,
16 as liaison counsel and lead counsel for that group, we don't
17 have an objection to that.

18 **THE COURT:** Okay.

19 **MS. OLDFATHER:** The next item, again, going from the
20 back, deals with the *LaDonna King* case. In that case, Your
21 Honor, Merck has filed a motion for summary judgment and a
22 motion to show cause. We have filed a motion to withdraw as
23 counsel.

24 **THE COURT:** Okay. I'm going to grant the motion to
25 withdraw as counsel, from your standpoint; and with the motion

1 to show cause, I'll move that until the next status conference.
2 But if the person doesn't show up at that point, it will be
3 automatically dismissed.

4 **MS. WIMBERLY:** Your Honor, Dorothy Wimberly for
5 Merck.

6 We would like to request that the Court in the
7 order of withdrawal give notice to Ms. King and require that
8 she file any opposition to the pending motions by Friday,
9 September 21st. That gives her more than a month.

10 **THE COURT:** That's fair.

11 **MS. OLDFATHER:** That seems appropriate, Your Honor.

12 **THE COURT:** Let's do that.

13 **MR. HERMAN:** Your Honor, the motion's granted. The
14 question I have is whether Mr. Johnston, who handles the pro
15 se's, should now be advised, and whether Ms. King should be
16 advised.

17 **THE COURT:** I'll put that in an order. I'll advise
18 them that there is Mr. Johnston's availability, and if they
19 wish to talk to him, they may do so, and I'll give them the
20 information.

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

22 **THE COURT:** Thank you for calling it to my attention.

23 **MS. OLDFATHER:** Your Honor, I believe that the
24 written notice we provided to Ms. King includes that
25 information.

1 **THE COURT:** Okay.

2 **MS. OLDFATHER:** We have filed that with the Court and
3 the certification that that information has been provided.

4 **THE COURT:** Good.

5 **MS. OLDFATHER:** And then the next item is on the
6 *Nolan* case, which is actually noticed for submission on
7 September 5th. So I don't think anything further needs to be
8 said.

9 And then next, Your Honor, is the matter
10 pertaining to our client, Sandra Elliot. There is a motion for
11 summary judgment by Merck, and we have asked for an extension
12 of that response time so that Ms. Elliot may attempt to reopen
13 her bankruptcy proceeding.

14 I could argue it, but, Judge, I think we've said
15 everything we needed to say in our papers; and other than to
16 emphasize the breadth of the Court's discretion and the Court's
17 ongoing commitment to allowing folks who care to bring their
18 claims, we would employ Your Honor to allow Ms. Elliot to amend
19 her bankruptcy petition.

20 **THE COURT:** I have it before me now, don't I? Do I
21 need any argument or anything of that sort?

22 I'd ask you all to focus on that case that I
23 mentioned in chambers that I recall. I haven't had the
24 opportunity to read it most recently, but it's a case involving
25 bankruptcy. It's somewhat similar; a little different, but

1 basically raises some issues. We've got to take a look at
2 that.

3 **MS. OLDFATHER:** Is Your Honor suggesting that we file
4 supplemental memorandum?

5 **THE COURT:** If you haven't covered that case. The
6 case that I have in mind -- I have it here -- is the *Superior*
7 *Crewboats* case, 374 F.3d, 330. 374 F.3d 330. It's an opinion,
8 I recall, written by our chief judge for the circuit dealing
9 with the question of whether it's a judicial admission when you
10 file in bankruptcy. In that particular case, it was held that
11 it was a judicial admission and that that couldn't be
12 withdrawn.

13 But there is some difference in the case. But a
14 couple of sentences on it, give me your thinking, that would be
15 helpful.

16 **MS. OLDFATHER:** What time frame?

17 **MS. WIMBERLY:** That's exactly what I was going to
18 suggest. Perhaps ten days.

19 **MS. OLDFATHER:** Oh, I was going to say a week.

20 **MS. WIMBERLY:** Okay.

21 **THE COURT:** All right.

22 **MS. OLDFATHER:** Do you want to file simultaneously,
23 Ms. Wimberly?

24 **MS. WIMBERLY:** Yes. We're fine with that.

25 **THE COURT:** That's fine.

1 **MS. OLDFATHER:** And then the next item, Your Honor,
2 is simply noting, for the benefit of the persons that are on
3 the phone, that the Court has granted Merck's motions for
4 summary judgment in -- at least in this group, and there are
5 some others, but in four specific personal injury cases:

6 The case of Elena Strujan; the case of Lynn
7 Hudnut; the case of Janice Baum; and the case of James and
8 Mary-Ann Schnepf.

9 Ms. Strujan has filed a motion for
10 reconsideration.

11 **THE COURT:** Okay.

12 **MR. HERMAN:** Excuse me.

13 **MS. OLDFATHER:** Sorry.

14 **MR. HERMAN:** I'm sorry.

15 Your Honor, I'd just like to note for the record
16 that the dismissals were with prejudice and we posed our usual
17 objection to those dismissals with prejudice.

18 **THE COURT:** Right. I noted that objection and
19 overruled it.

20 **MS. OLDFATHER:** The next group, again, going in
21 reverse order is -- pertains to the two cases of Joanne Roach
22 and Stanley Long. The Court also granted Merck's motions for
23 summary judgment in both of those cases.

24 A motion for reconsideration was filed on behalf
25 of Joanne Roach, which has been denied by the Court, and that

1 is where that matter stands. There has been a stipulation of
2 dismissal entered into between Mr. Long and Merck.

3 **MS. WIMBERLY:** Your Honor, just to correct the
4 record, the motion for summary judgment was withdrawn as moot
5 as to Mr. Long and instead the case was dismissed pursuant to
6 the stipulation.

7 **THE COURT:** Right.

8 **MS. OLDFATHER:** And the next item is simply an
9 update, again, for the benefit of the folks on the phone, with
10 respect to the VTE cases, the venous thromboembolism cases,
11 which are the largest group of remaining personal injury cases.

12 Our office has been working diligently to pull
13 together the expert packages in order to meet the Court's
14 deadline to respond to Merck's motion for summary judgment in
15 those cases by filing of general causation experts on behalf of
16 the plaintiffs' claims.

17 **THE COURT:** How many do you have, Ann, in that?

18 **MS. OLDFATHER:** Judge, I don't have my census, but
19 it's about 30. I think it might be 28.

20 **THE COURT:** Is that about right, Doug?

21 **MR. MARVIN:** Yeah.

22 **MS. OLDFATHER:** Something in that range.

23 **THE COURT:** Okay.

24 **MS. OLDFATHER:** And the Court's deadline is
25 August 31st, and it is our full intent to meet that date.

1 All of the deadlines have been extended on an
2 emergency motion that the Court granted a few weeks ago for
3 about a two-week rolling period.

4 And then, Your Honor, the -- again, there are
5 two matters left at this point under this section, and the
6 second to last is Mr. Benjamin's motion to be assessed a
7 reduced common benefit fee of 2 percent rather than the
8 6 percent that would apply in the event counsel had not
9 selected early participation options.

10 Mr. Benjamin's motion to be excused from any
11 common benefit fee was already rejected by the Court on
12 April 25th.

13 We have objected to Mr. Benjamin's motion, and I
14 believe responses have been filed by a number of parties -- or
15 excuse me, by Merck and the PSC.

16 **THE COURT:** Okay. Thank you very much.

17 Is that it?

18 **MS. OLDFATHER:** The last matter, Your Honor, is that
19 the motion that was filed by me as liaison counsel for certain
20 of the remaining personal injury plaintiffs to obtain
21 disclosures and information regarding common benefit expense
22 expenditures from the settlement program and to obtain
23 accounting and escrow and assessment of common benefit fees and
24 common benefit expenses on the PTO 28, 29 and 43 cases.

25 The Court has ruled on that motion and has

1 directed the parties to meet and confer and then come back to
2 the Court as necessary. I wanted to report to Your Honor, and
3 to those on the phone, that we are in the midst of that
4 process.

5 **THE COURT:** Great. Okay. Thank you very much.

6 Appeals, anything? Appeals?

7 I notice that we have some people in the
8 audience, and I think it's for Mr. Antonio Densen.

9 Would whoever wishes to speak, please step
10 forward.

11 Let us know who you are, please.

12 **MR. ANTHONY DENSEN:** Yes. Good morning, Your Honor.

13 **THE COURT:** Good morning.

14 **MR. ANTHONY DENSEN:** This is Anthony Densen.

15 **THE COURT:** Yes.

16 **MR. ANTHONY DENSEN:** This is Antonio Densen, who's
17 the plaintiff. He's also a pro se claimant in the Vioxx
18 litigation matter.

19 Sir, it's, indeed, a pleasure to meet with you.

20 **THE COURT:** What is your name, sir?

21 **MR. ANTHONY DENSEN:** Anthony Densen.

22 **THE COURT:** Okay.

23 **MR. ANTHONY DENSEN:** Antonio Densen.

24 **THE COURT:** Right. Okay.

25 **MR. ANTHONY DENSEN:** It's ironic. Because my father

1 named us since we're twins. I'd offered him a heart that Merck
2 damaged, but the doctor said that wouldn't work.

3 So, anyway, to make a long story short, sir, I'm
4 just here to see if you can rescind several of your orders that
5 you recently wrote for Mr. Densen and vacate whichever others
6 that might preclude him from getting a settlement award.

7 Mr. Densen's case was presented in New Jersey in
8 a civil matter; and it seemed to be that -- if we could enter
9 this into the records.

10 **THE COURT:** Sure. I'll take that.

11 **MR. ANTHONY DENSEN:** -- it seems like I've been going
12 through this, because I know Mr. Leonard Davis and Mr. Russ
13 Herman, and speaking with attorneys in the world, they think
14 the world of Mr. Herman, and Ms. Wimberly and Phillip Wittmann.
15 They're all Louisiana people.

16 Sir, I was just saying that the attorney that
17 was previously representing Mr. Densen was Seeger, Chris
18 Seeger. I'm sure he was the lead co-counsel in the Vioxx
19 litigation. I don't see him in the court this morning, but I
20 guess they must be represented in here by Sol Weiss or one of
21 those Weiss boys or Stephen Weiss.

22 But, anyway, sir, what I would like to do is
23 just, if we could some kind of way be awarded a judgment in
24 lieu of your rescinding those previous orders that you wrote on
25 the 25th -- 27th of March.

1 And, also, we was trying to adhere to your order
2 not to call the court. And it seemed like every time we would
3 call the court, we would get someone like Joe -- and it's my
4 understanding he moved on to the Fifth Circuit --

5 **THE COURT:** Yes.

6 **MR. ANTHONY DENSEN:** -- and he was very helpful and
7 instrumental. I don't know how you're going to get along
8 without him, but I'm sure you'll make do.

9 **THE COURT:** Yeah.

10 **MR. ANTHONY DENSEN:** But to make a long story short,
11 again, he has been a patient for the last six months at Ochsner
12 Foundation and Mr. Densen needs a heart right now. And he's up
13 for the heart transplant. His case was stipulated to dismissal
14 in New Jersey under the Honorable Judge Carol Higbee, was
15 the -- and I hear from Mr. Wittmann she's a very nice lady. I
16 never met her.

17 But, sir, the information I just entered there,
18 we went to New Jersey ourself to retrieve that. Mr. Seeger
19 didn't see fit to send us that. So that was the stipulation of
20 dismissal.

21 Do you want to sit down?

22 Judge, he's kind of weak, can he sit?

23 **THE COURT:** Sure. Yes, sure. He can sit down.

24 **MR. ANTHONY DENSEN:** Thank you, sir.

25 This is, in essence, what happens when you take

1 Vioxx. And he's had the heart -- he has a defibrillator here
2 and a pacemaker implanted, and he's very -- under doctor's
3 care. He has a nurse and a physical therapist that come in and
4 visit him.

5 And on your previous order, you said it was
6 ordered that, you know, he had submitted some attachments that,
7 you know, bear out the fact that he passed the gates and was a
8 member of the committee that should have received a settlement.

9 But, sir, I say this to say that this case was
10 stipulated to dismissal and Mr. Densen wasn't a part of the
11 plaintiff settlement program. His case was stipulated, after
12 the civil trial, to be dismissed with prejudice in Judge
13 Higbee's court in New Jersey.

14 Now, what happened, Judge Higbee had two cases
15 that she heard before his case. She stopped hearing his case
16 and did a pretrial motion. And in some of our communiques, we
17 submitted information to get the Pretrial Order 57 that was to
18 be divvied up. I don't know. I'm not an attorney, and him
19 being pro se -- and it was asked to Mr. Russ Herman to be
20 liaison counsel, and I think he declined in some aspect,
21 because I have met with Mr. Herman on previous occasion.

22 Now, I say that to say this: Every time we
23 would send you something, you would enter it into the record
24 and you would seal it. Now, I say: What good that do to seal
25 it when, you know, if we just seal it and nobody else see it

1 but yourself and myself?

2 So, anyway, all I want to do, again, is present
3 what I'm hoping we can do today is forward, if it was --
4 whatever was stipulated to in the dismissal for his case to go
5 away and the civil trial to stop, can we forward that into his
6 bank account? Here's another bank record I want to enter.

7 **THE COURT:** Okay.

8 **MR. ANTHONY DENSEN:** And, sir, I just hope you can
9 get this over with and you could get on with common benefits.
10 You know, I feel like I know you because, like I say, I met
11 Ruth, and she's a very sweet lady.

12 **THE COURT:** Yes.

13 **MR. ANTHONY DENSEN:** It's funny how we met, if I
14 could just take a little more time of the Court. He was in the
15 hospital in Venice, Florida. And one of the social worker --
16 no, it wasn't a social worker; it was a little aid. A little,
17 old lady bringing a newspaper, and he wasn't feeling well, and
18 I said, "Oh, no. That's all right about the newspaper." Then
19 I said, "No, give me the newspaper."

20 Well, I pulled the paper open and here's a great
21 article about Judge Fallon. I said, "Oh, what is this here?"
22 So I don't know if you know anybody in Venice, but they spoke
23 real well of you.

24 **THE COURT:** I appreciate it.

25 **MR. ANTHONY DENSEN:** They had a beautiful picture,

1 and I brought it and I gave it to Ruth. And I had that
2 stipulation of dismissal and the paper, and she presented it to
3 you, sir, and you probably sealed it.

4 And she called us from Florida and she said,
5 "The judge is going to send you something." Well, he's all
6 excited, "Oh, this is going to be it. No more Merck. No more
7 going up to New Jersey to retrieve stuff," you know, that, in
8 essence, would have been. Again, he want -- this is his day in
9 court, sir, and he's been looking for his day.

10 And I just have several more articles I would
11 like to submit into the record, if you would.

12 **THE COURT:** Sure.

13 **MR. ANTHONY DENSEN:** This here is the Seeger Weiss
14 client interview, that was where Mr. Densen had had a heart
15 attack, and it states it right in here, in the information from
16 the hospital which serviced his heart attack, he did not have
17 congestive heart failure.

18 In one of your orders, you wrote that the
19 records that was submitted to you clearly amply supported the
20 fact that he had congestive heart failure. Sir, he never
21 suffered from congestive heart failure. And it was also
22 confirmed by Ochsner, who said he never had any blockages or
23 anything.

24 So this was, in essence, the report from Vioxx,
25 and also that there was records that his civil case that was

1 alluded to in some of the previous communiques that there was
2 no records in New Jersey. Here's all the records here, sir.

3 **THE COURT:** Okay.

4 **MR. ANTHONY DENSEN:** And I'm going to try to present
5 them in the court. I don't know if you're going to seal them
6 again or whatever.

7 **THE COURT:** No. Let me just, while you're mentioning
8 that, the reason that I sealed the record is really just for
9 Mr. Densen's viewpoint. I didn't feel that he would want the
10 world to know anything about his personal life and his personal
11 medical history. That's something that is really private; and
12 out of respect to him, I just didn't want anybody snooping
13 around the record that would interfere with his privacy rights.

14 I didn't seal it for any reason to keep it under
15 cover or anything. I just didn't want to expose him to
16 anything that he didn't want people in general to know. That's
17 the reason for it.

18 When I get some private correspondence from a
19 litigant, generally, they don't want that in the newspaper or
20 they don't want everybody to read it. So I seal it so that
21 they have some comfort in knowing that their private concerns
22 are not expressed to the world, so to speak. That's the only
23 reason I did it.

24 **MR. ANTHONY DENSEN:** Thank you, Your Honor.

25 **THE COURT:** First, let me say, I appreciate you being

1 here. You're a very articulate spokesman for Antonio, and I
2 appreciate your remarks.

3 **MR. ANTHONY DENSEN:** Well, thank you.

4 **THE COURT:** The difficulty is that one court, namely
5 a court in New Jersey -- and Judge Higbee is a very skilled
6 judge. She's well respected and regarded by everybody who has
7 had anything to do with her, and she certainly has my
8 admiration and respect, but she has looked at the case and made
9 some rulings on it.

10 Also, there was a mechanism, as I said at the
11 outset, for proceeding with the program. When you join the
12 program, it's sort of like joining the Army, you know, you're
13 in it until it's over; and then when it's over, it's over.
14 That is what happened. But I'll look at the documents that
15 you've given to me.

16 I wish Mr. Antonio Densen the best for a new
17 heart, and I hope you're with us a long time.

18 **MR. ANTHONY DENSEN:** Yeah. Well...

19 **MR. ANTONIO DENSEN:** If I might address the Court.

20 **THE COURT:** Yes.

21 **MR. ANTONIO DENSEN:** It's been going on for the
22 better of eight years.

23 **THE COURT:** Yes, sir.

24 Where do you live, Mr. Densen?

25 **MR. ANTONIO DENSEN:** I live in Florida --

1 **THE COURT:** In Florida now.

2 **MR. ANTONIO DENSEN:** -- but I've been kind of
3 residing in New Orleans for my health care at Ochsner, and I've
4 been a very ill young man.

5 And I don't see why if there was \$4.8 billion --
6 with a "B" -- put up for the plaintiffs -- now, you ordered
7 Mr. Russel Herman to represent me by liaison counsel. I never
8 spoke with him. I don't know if he had any records -- he's a
9 nice guy. I don't know if he had any records on me.

10 I was told not to call his office. And
11 Mr. Christopher Seeger, after that, corresponded with him.
12 After the stipulation for dismissal with prejudice, I didn't
13 hear from him either.

14 And the agreement is, if you have any inklings
15 of impropriety, wrongdoing, such as that fact, you should bring
16 it to the Honorable Judge Fallon --

17 **THE COURT:** Yes.

18 **MR. ANTONIO DENSEN:** -- and BrownGreer, which is the
19 chief administrator over the Vioxx situation.

20 **THE COURT:** Yes.

21 **MR. ANTONIO DENSEN:** BrownGreer is, I think the --
22 they're somewhere in there. They hold all the money. Okay.
23 They're the one's that divvy up the common benefit.

24 **THE COURT:** Yes. They were administering the
25 settlement.

1 Your attorney was Chris Seeger, though; is that
2 right?

3 **MR. ANTONIO DENSEN:** Yes, sir, Chris Seeger.

4 **THE COURT:** Mr. Herman was the liaison counsel for
5 the whole litigation. He really wasn't your attorney as much
6 as he was the Court's representative to the litigation.

7 **MR. ANTONIO DENSEN:** Okay. Well, I want you -- if it
8 please the Court, I want you to get with Mr. Seeger -- I figure
9 you know him. He's worked with you before --

10 **THE COURT:** Sure.

11 **MR. ANTONIO DENSEN:** -- and ask him what became of
12 Mr. Densen's settlement. I had a heart attack. I've met all
13 the criteria and I figured I would be due an award.

14 I'm not trying to bum-rush the Court, or
15 anything of that nature, but I'm sorry to use a word that's
16 not -- you know, might not be proper in court, but I'm not a
17 lawyer, sir.

18 **THE COURT:** I understand. And, Mr. Densen, I
19 appreciate your being here.

20 **MR. ANTONIO DENSEN:** Help me out, Mr. Herman.

21 **MR. HERMAN:** Well, I do need to give an explanation
22 so Mr. Densen understands my position, and I appreciate you
23 being here.

24 **MR. ANTHONY DENSEN:** Thank you.

25 **MR. HERMAN:** When we were appointed by the Court to

1 act as liaison, our firm decided we would not handle any other
2 cases after that because we did not want anybody to think that
3 we were using that position in order to get cases in.

4 Secondly, my advice originally, and Mr. Davis',
5 was, since you don't have counsel at that time, you're pro se,
6 you need to contact Robert Johnston, who the Court appointed to
7 represent pro se's.

8 I want you to understand, I empathize with your
9 situation, but there was no way that we could act for you in
10 this matter. It wasn't a fact that we had some problem with
11 you or we didn't want to act for you, we could not act for you,
12 but I appreciate you being here.

13 **MR. ANTHONY DENSEN:** Okay. Judge, if I could just
14 respond on that, and I appreciate the kind words from Counsel
15 Herman. But what I was saying is that Mr. Densen, he had
16 proximity, he had injury, and he had duration, and also he took
17 300 of those Vioxx tablets; and prior to him ingesting those
18 tablets, Mr. Densen didn't have any medical issues. He was
19 working two jobs.

20 Now, there was a gentleman, a Mr -- name of
21 Mr. Humelston that received \$47.5 million under a civil case.
22 Mr. Densen had the same lawyer, the same judge, the same
23 injuries, basically, but Mr. Humelston went back to work after
24 he got his \$47.5 million. Mr. Densen took the medicine and
25 this is how he looks today, sir.

1 So I say: If you have any type of oversight
2 over this matter, you seem to be, from everything, everyone I
3 meet, they seem to have the -- think the world of you, sir.
4 And I know you're real busy with the wallboard and the oil
5 spill and putting police in jail. You know, you're a busy man.
6 I just did not know. You know, and Joe said, "Well, the
7 Court's going to do whatever is right," and I took Joe's word
8 for it. Joe's not here any longer.

9 I spoke to Ms. Wimberly. She's a sweet lady.
10 And I don't know where Mr. Wittmann is. I promised him dinner
11 at Galatoire's. I can't afford that, sir. But he said he
12 would, you know, try to work with me and get with Mr. Russ
13 Herman and we'd all have this matter settled. But Mr. Densen
14 is not represented by a high-powered attorney, such as
15 Mr. Davis and Mr. Herman.

16 Now, I'll say that to say this, sir:
17 Christopher Seeger received \$32.5 million, or whatever, for his
18 participation. Mr. Densen took the medicine, is my contention;
19 Christopher Seeger gets the money.

20 My understanding was Herman, Herman, Cotlar and
21 Katz received \$23 million, and he here today still probably
22 going to get some more money out of the Order 57.

23 So, sir, we could go on and on and on to date.
24 But all I'm asking you is to rescind those orders that you
25 previously wrote and we could all move on.

1 And I remember Judge Higbee mentioning one day,
2 "We could be doing this forever." And I said, "Lord, she was
3 right," but I didn't know it would be this thing here. So you
4 say hello to Judge Higbee. I've never met her --

5 **THE COURT:** I will. I surely will.

6 **MR. ANTHONY DENSEN:** -- been to New Jersey.

7 And if we could just conclude, I would
8 appreciate a settlement award, sir, so he could get his heart
9 transplant, and you could waive the wand and all this could be
10 done today, sir.

11 So I'm just wondering if there's any need for us
12 to go to Judge Knowles or anybody else to help in this
13 endeavor.

14 **THE COURT:** No, I don't think you need to go to
15 anyone else. But let me look at your papers --

16 Ann, do you want to say something?

17 **MS. OLDFATHER:** Yes, I'd appreciate that, Your Honor.

18 Excuse me, Mr. Densen.

19 My name is Ann Oldfather, and I don't rank up
20 there with those high-powered attorneys, but, Judge, I just
21 wanted to say -- I don't know if you'd want to take me up on
22 this, or Mr. Densen does -- but we would be more than happy to
23 look at Mr. Densen's papers, talk to Mr. Seeger, talk to Merck,
24 and try to get some answers and present something, if it's
25 appropriate, to the Court.

1 **THE COURT:** All right. Fine. Why don't you do that.

2 **MS. OLDFATHER:** There are no other magic wands than
3 that. But we can certainly try, if the Court would share with
4 us the information that you filed.

5 **MR. ANTHONY DENSEN:** Thank you. I appreciate it. I
6 appreciate it, ma'am.

7 **MS. OLDFATHER:** And you would have to stay in touch
8 with us.

9 **MR. ANTHONY DENSEN:** Okay. Do you have a card or
10 something?

11 **MS. OLDFATHER:** I'll get it to you.

12 **MR. ANTHONY DENSEN:** Thank you, ma'am.

13 **THE COURT:** Thank you.

14 **MR. ANTHONY DENSEN:** I know this is running a little
15 longer than it had been --

16 **THE COURT:** That's all right.

17 **MR. ANTHONY DENSEN:** -- but I'm sorry, sir.

18 **THE COURT:** That's okay.

19 **MR. ANTHONY DENSEN:** Thank you for hearing us.

20 **THE COURT:** Thank you all.

21 **MR. ANTHONY DENSEN:** This is the heart transplant
22 social worker. Do you need his medical records from Ochsner?

23 **THE COURT:** Sure. Why don't you give that to
24 Ms. Oldfather?

25 **MS. OLDFATHER:** Your Honor, if I could get everything

1 they tendered to the Court, that would be great.

2 THE COURT: Yes. All right. We'll do that.

3 MS. OLDFATHER: And I'll talk to you afterwards.

4 MR. ANTHONY DENSEN: Thank you, ma'am.

5 THE COURT: Anything else?

6 All right, folks. Thank you very much.

7 (WHEREUPON, the proceedings were concluded.)

8 *****

9 CERTIFICATE

10 I, Jodi Simcox, RMR, FCRR, Official Court Reporter
11 for the United States District Court, Eastern District of
12 Louisiana, do hereby certify that the foregoing is a true and
13 correct transcript, to the best of my ability and
14 understanding, from the record of the proceedings in the
15 above-entitled and numbered matter.

16
17
18 *Jodi Simcox, RMR, FCRR*
19 Jodi Simcox, RMR, FCRR
20 Official Court Reporter
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