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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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IN RE: XARELTO (RIVAROXABAN)  
PRODUCTS LIABILITY LITIGATION

CIVIL ACTION NO. 14-MD-2592 "L"  
NEW ORLEANS, LOUISIANA  
MONDAY, JUNE 24, 2019, 9:00 A.M.

THIS DOCUMENT RELATES TO  
ALL CASES

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TRANSCRIPT OF MONTHLY STATUS CONFERENCE PROCEEDINGS  
HEARD BEFORE THE HONORABLE ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE

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M O R N I N G   S E S S I O N

MONDAY, JUNE 24, 2019

(COURT CALLED TO ORDER)

THE DEPUTY CLERK: All rise.

THE COURT: Be seated, please. Good morning, ladies and gentlemen.

This is our monthly status conference report meeting. We're doing most of it on the phone. Let me hear from the people on the phone, from the plaintiff. Who is representing the plaintiff?

MR. BIRCHFIELD: Good morning, Your Honor. Andy Birchfield.

THE COURT: For the defendant?

MS. SHARKO: Susan Sharko and Chanda Miller for Janssen.

THE COURT: Okay. Anyone else?

MR. SOLOW: Andy Solow for Bayer.

THE COURT: Okay.

MR. GLICKSTEIN: And Steven Glickstein for Bayer.

THE COURT: Okay. Fine. In the courtroom we have liaison counsel.

MR. DAVIS: Good morning, Your Honor. Leonard Davis,

1 coliaison counsel.

2 MR. MEUNIER: Jerry Meunier, coliaison for plaintiffs.

3 MS. MOORE: Kim Moore, coliaison, also for Janssen.

4 MR. ROTOLO: Peter Rotolo sitting in for John Olinde  
5 for Bayer.

6 THE COURT: Okay. Let me hear from the phone folks.  
7 What's happening, Andy or Susan or Steve?

8 MR. BIRCHFIELD: Good morning, Andy Birchfield. The  
9 settlement program is well underway now. We have completed the  
10 registration process, and there are just a handful of claimants  
11 that will be addressed at a hearing on Wednesday, but we're  
12 pleased with how the registration process has unfolded.

13 The registration process, just for those that are  
14 listening by phone, that's the census. That is getting an  
15 account. That is not saying whether they will participate in  
16 the settlement program or not. The registration is just a  
17 census data that the Court ordered at the announcement of the  
18 settlement program.

19 We are now in the enrollment phase where each  
20 claimant will respond by signing an election form indicating  
21 their decision whether to participate in the settlement program  
22 or not participate in the settlement program. If they choose  
23 to participate, then they would also sign a release and a  
24 stipulation of dismissal and submit those papers to BrownGreer  
25 through the MDL Centrality portal.

1           That process has just been initiated, but we,  
2           though, on the plaintiff's side, the Plaintiffs' Steering  
3           Committee, we have been reaching out to law firms as well as to  
4           *pro se* claimants to make sure that everyone has an  
5           understanding of the settlement program and the deadlines that  
6           are in place.

7           We're encouraged by the overwhelming responses,  
8           type of responses to the settlement program, and we are working  
9           with firms to make sure that they have the necessary  
10          information and tools that they need to enroll in the program.

11          It's very early. The deadline is August 5th, but  
12          we have a number of firms, as well as claimants, that are  
13          already beginning that enrollment process; so, overall we are  
14          pleased with the status of the settlement program at this  
15          point.

16          THE COURT: Andy, would you talk about what's been done  
17          to advise or at least inform the lawyers, as well as the  
18          clients, about the program, any webinars, or anything of that  
19          sort.

20          MR. BIRCHFIELD: Yes, Your Honor. We did three  
21          conferences. We've did a conference in Atlanta, one in  
22          Houston, and one in Philadelphia where lawyers were encouraged  
23          to attend.

24          We walked through the settlement program, had  
25          question-and-answer sessions there. We also have done a

1 webinar, and we posted a nationwide conference call to address,  
2 to walk through the settlement program in that forum as well.  
3 As we were doing that, we had an e-mail address where questions  
4 could be submitted. We addressed those questions.

5 We have been working with BrownGreer to formulate  
6 frequently asked questions and those answers and have been  
7 providing those materials on the portal.

8 We are preparing to have additional conference  
9 calls that are available to all plaintiff's counsel as folks  
10 move more into the enrollment phase. We will do those probably  
11 on a monthly basis, just depending on the level of inquiries  
12 that we are receiving.

13 We continually provide e-mails to all plaintiff's  
14 counsel addressing questions that are occurring or recurring,  
15 and we have reached out to firms that are in a place where they  
16 need assistance, and we've offered assistance to individual  
17 firms as well to come in and help them in evaluating the  
18 settlement process and the protocol and addressing any issues  
19 that they may have with their clients.

20 We are ready to help any firm that needs  
21 assistance. We have offered assistance, we have provided  
22 assistance to those who have reached out, and we will continue  
23 to do so through the conclusion of the settlement program.

24 THE COURT: Susan and Steve, how do you see it from  
25 your seat in the bus?

1 MS. SHARKO: We've talked to Andy regularly, and I  
2 think so far so good. There will probably be another round of  
3 orders to show cause for people who haven't completed the  
4 census requirements, but we will work with Andy Birchfield to  
5 try and make that as efficient as possible because the goal is  
6 basically to get everybody into the program.

7 THE COURT: Steve, do you have any input?

8 MR. GLICKSTEIN: Nothing. Andy and Susan have covered  
9 it.

10 THE COURT: All right. Folks, let's see. Anything  
11 else that we need?

12 MR. DAVIS: Your Honor, I have provided to the Court a  
13 copy of the state information, and that information is  
14 available.

15 Other than that, the only thing that has come  
16 that hasn't been covered is with respect to some issues and  
17 questions regarding service.

18 Your Honor issued several orders to address  
19 summons in recently filed cases. Those questions that have  
20 arisen relate to the timing of service and what was intended by  
21 the Court's order. My appreciation is that the Court intended  
22 in its most recent order of June 14th to extend that deadline  
23 by 30 days.

24 THE COURT: Yes. The first deadline was extended by  
25 75 days, and then I understood they needed additional time, so

1 I extend it by 30 days, but I didn't make clear in the order  
2 that that's an extension of the time, not to shorten the time  
3 in any way. So the 30 days goes from the day the 75 days are  
4 out, and so it's an extension, but we'll clear that up a bit  
5 immediately.

6 MR. DAVIS: As Andy mentioned a few minutes ago, we do  
7 continue to get a bunch of e-mails and calls from both *pro se*  
8 and from counsel, and we are responding to those as needed.

9 Your Honor, that's really it on the Joint Report  
10 Number 38.

11 THE COURT: Okay. Kim, do you have any input?  
12 Anything else?

13 MS. MOORE: No, Your Honor. Thank you. We'll clarify  
14 that.

15 THE COURT: Well, our next meeting, it looks like from  
16 the counsel's suggestion, it would be better to continue with  
17 the reports on the phone since we don't have much to do, and I  
18 don't want to have people spend money to come to New Orleans,  
19 not that we don't want them, but it's just easier doing it on  
20 the phone. The next phone meeting then will be on August 1st,  
21 at nine o'clock. That's a Thursday, I understand, at nine  
22 o'clock.

23 Just a change from the Court's standpoint, the  
24 clerk assigned to this case was Melissa. Melissa went on to  
25 the Fifth Circuit. She's going to work with Judge Davis over

1 there, and our new clerk is Urjita, comes from Harvard via  
2 India, and she will be with us for the next period of time. I  
3 look forward to working with her, and I know she'll do as good  
4 a job as Melissa has.

5 MR. DAVIS: We welcome her, Your Honor.

6 THE COURT: Thank you for being on the phone, and thank  
7 you for being in person. We'll stand in recess.

8 VOICES: Thank you, Your Honor.

9 (WHEREUPON, at 9:14 a.m., the proceedings were  
10 concluded.)

11 \* \*

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14 REPORTER'S CERTIFICATE

15  
16 I, Cathy Pepper, Certified Realtime Reporter, Registered  
17 Merit Reporter, Certified Court Reporter in and for the State  
18 of Louisiana, Official Court Reporter for the United States  
19 District Court, Eastern District of Louisiana, do hereby  
20 certify that the foregoing is a true and correct transcript to  
21 the best of my ability and understanding from the record of the  
22 proceedings in the above-entitled and numbered matter.

23 s/Cathy Pepper

24 Cathy Pepper, CRR, RMR, CCR  
25 Certified Realtime Reporter  
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