

MINUTE ENTRY
FALLON, J.
JANUARY 29, 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN)	*	MDL 2592
PRODUCTS LIABILITY LITIGATION	*	
	*	SECTION L
THIS DOCUMENT RELATES TO	*	
ALL CASES	*	JUDGE ELDON E. FALLON
	*	
	*	MAG. JUDGE NORTH

THIS DOCUMENT RELATES TO ALL CASES

The initial pretrial status conference was held on this date in the Courtroom of Judge Eldon E. Fallon. At the conference, Co-Plaintiffs’ Liaison Counsel (“PLC”), Gerald Meunier and Leonard Davis, and Defendants’ Liaison Counsel (“DLC”), James Irwin, reported to the Court on the topics set forth in the Proposed Agenda. (Rec. Doc. 57). This status conference was transcribed by Ms. Jodi Simcox, Official Court Reporter. Counsel may contact Ms. Cox at (504) 589-7780 to request a copy of the transcript. A summary of the status conference follows.

1. INTRODUCTORY REMARKS BY JUDGE FALLON

On December 12, 2014, the Judicial Panel on Multidistrict Litigation issued an order transferring the Xarelto (Rivaroxaban) Products Liability Litigation to this Court for coordinated or consolidated pretrial proceedings. Upon receipt of this order, the Court issued Pretrial Order No. 1 on December 17, 2014. The Court also established a website, which can be accessed at <http://www.laed.uscourts.gov/xarelto>. Pretrial orders are available on this website, as well as transcripts from the monthly status conferences. Attorneys are encouraged to check this website regularly for updates.

2. PRE-TRIAL ORDERS

The Court has issued the following Pre-Trial Orders:

Pretrial Order No. 1 entered December 17, 2014 – Setting Initial Conference

Pretrial Order No. 2 entered January 16, 2015 – Appointing Plaintiffs' Liaison Counsel

Pretrial Order No. 3 entered January 16, 2015 – Appointing Defendants' Liaison Counsel

Pretrial Order No. 4 entered January 26, 2015 – Ordering Counsel to provide updated contact information to Liaison Counsel within five days of receipt of this order.

Pretrial Order No. 4A entered January 26, 2015 – Ordering Counsel to use the provided Counsel Contact Form to provide Liaison Counsel with their updated contact information.

Pretrial Order No. 5 – Modifying Rule 1.6 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation.

3. COUNSEL CONTACT INFORMATION FORM/FILE & SERVE XPRESS

All counsel in the MDL will be expected to complete the Counsel Contact Information Form included in Pretrial Order 4A and return it to the appropriate Liaison Counsel. The information is to be used throughout the litigation.

Plaintiffs' Liaison Counsel has requested that File & Serve Xpress provide a proposal to Liaison Counsel for the implementation and set up of File & Serve Xpress. Based on this proposal, PLC and DLC shall meet and confer to discuss whether there is a need for File & Serve Xpress and if so, the costs, security, work product and privacy issues, master service list, and related items applicable to the creation and implementation of an electronic service application and report back to the Court at the next conference.

4. PLAINTIFFS' STEERING COMMITTEE

Pursuant to Pre-Trial Order No. 1, applications for the appointment to the Plaintiffs' Steering Committee ("PSC") are to be filed with the Court on or before February 2, 2015. Objections may be made to the appointment of a proposed applicant/nominee, and those objections must be filed with the Clerk of Court either electronically or on paper (original and one copy) on or before February 5, 2015. PLC is prepared to convene a meeting of the PSC upon appointment of the PSC by the Court.

5. DIRECT FILING AND MASTER COMPLAINT

PLC and DLC have agreed to report to the Court, following the formation of the PSC, whether direct filing of complaints in the MDL will occur, and whether a master complaint(s) will be drafted (including the applicability of a master answer(s)). The PLC was furnished a Direct Filing Order by the Defendants. PLC has advised that it will review the proposed Order and, following the creation of a Plaintiffs' Steering Committee by the Court, responses to the proposed Order will be provided to Defendants.

6. FACT SHEETS/DISCLOSURE FORMS

PLC and DLC have communicated with BrownGreer to discuss software, which has been created by BrownGreer, for the online completion of and access to fact sheets. Orran Brown gave a presentation on this software during the status conference. Further discussions and meetings will take place, and the Court will be provided with an update. Following the appointment of the PSC by the Court, the parties will be prepared to address Rule 26 and the need for and content of Profile/Disclosure Forms.

7. PRESERVATION ORDER, DOCUMENT PRODUCTION PROTOCOL AND PROTECTIVE ORDER

The PLC was furnished a proposed Preservation Order, Document Production Protocol and Protective Orders by Defendants. PLC has advised that it will review the proposed Orders and, following the creation of a Plaintiffs' Steering Committee by the Court, responses to the proposed Orders will be provided to Defendants.

8. COURT'S WEBSITE/FREQUENTLY ASKED QUESTIONS

The Court has established a website located at www.laed.uscourts.gov/Xarelto, which contains valuable information posted by the Court for all counsel and litigants. Since many of the answers to frequently asked questions can be found by visiting the Court's website, Liaison Counsel remind the parties to review the Court's website before contacting Liaison Counsel with questions about these proceedings.

9. STATE/FEDERAL COORDINATION

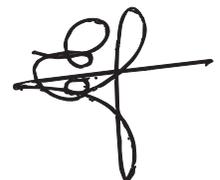
PLC and DLC will discuss efforts that have been, or might be, undertaken with respect to the coordination of the MDL and state court actions.

10. POSITION PAPERS

PLC and DLC each submitted respective position papers to the Court on January 20, 2015, pursuant to Pre-Trial Order No. 1. These position papers were prepared and submitted with the understanding they would not be filed or exchanged by the parties, but were solely for the Court to review as a preliminary statement of the legal and factual issues that may arise in the MDL litigation.

11. NEXT STATUS CONFERENCE

The next status conference will be held on February 27, 2015 at 9:00 a.m. in the Chambers of Judge Eldon E. Fallon.

A handwritten signature in black ink, appearing to be the initials 'EF' with a long horizontal stroke extending to the right.