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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  
TUESDAY, MARCH 16, 2016, 2:15 P.M.

THIS DOCUMENT RELATES TO  
ALL CASES

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

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12 PRODUCED BY COMPUTER.

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THE NEXT CONFERENCE WILL BE APRIL 20TH AT 9:00 A.M.

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1 MAY CONFERENCE IS MAY 24TH AT 9:00 A.M. I'LL MEET  
2 WITH LIAISON AND LEAD AT 8:30 THAT DAY..... 23

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**P-R-O-C-E-E-D-I-N-G-S**

TUESDAY, MARCH 16, 2016

A F T E R N O O N   S E S S I O N

(COURT CALLED TO ORDER)

THE DEPUTY CLERK: All rise.

THE COURT: Be seated, please.

Call the case, please.

THE DEPUTY CLERK: MDL Number 2592, In re: Xarelto Products Liability Litigation.

THE COURT: Counsel, make your appearances for the record, please.

MR. MEUNIER: Jerry Meunier, co-liaison counsel for plaintiffs.

MR. IRWIN: Jim Irwin for Bayer and Janssen, Your Honor.

THE COURT: Okay. We're here today for our monthly status conference. I've had the opportunity to meet with counsel, lead counsel and liaison, a moment ago to discuss the agenda with them. We'll take it in the order that's proposed.

MR. MEUNIER: Thank you, Judge.

Referring to Joint Report Number 14, with respect to the first section, Pretrial Orders, no new pretrial orders have been entered by the Court since the last MDL status

14:17:38 1 conference of February 23rd, 2016.

14:17:43 2 Nothing new, Your Honor, to report on Section 2  
14:17:47 3 dealing with the Case Management Orders entered by the Court,  
14:17:51 4 Numbers 2, 3 and 4.

14:17:52 5 With respect to Section 3 of the report,  
14:17:54 6 Bellwether Selections, we would point out that on March 7,  
14:17:58 7 Your Honor entered an order which listed and identified the 40  
14:18:03 8 discovery pool plaintiffs who have been selected through the  
14:18:09 9 process set up by Your Honor. That's Record Document 2626.

14:18:12 10 A number of inquiries were being made of liaison  
14:18:16 11 counsel as to who those plaintiffs were, so we appreciate the  
14:18:19 12 Court identifying them for the record.

14:18:20 13 THE COURT: The reason for the bellwether pool, so to  
14:18:25 14 speak, is that we're trying to select bellwether cases so that  
14:18:30 15 those cases can be tried, so that the lawyers and the litigants  
14:18:33 16 can have some idea as to how juries look at cases and how much  
14:18:41 17 it costs and how the cases are effectively tried.

14:18:44 18 So rather than have a discovery of the entire  
14:18:48 19 litigation before the bellwether cases are selected, and all of  
14:18:53 20 the costs and problems that that engenders, we select a number  
14:18:59 21 of cases, in this case 40, that we hope mirror the census of  
14:19:09 22 the litigation.

14:19:10 23 In those 40 cases selected, they are posted so  
14:19:14 24 that everybody knows the cases that are going into the  
14:19:19 25 discovery pool. Those cases are then discovered by both sides.

14:19:24 1 Those plaintiffs are discovered. Those treaters are  
14:19:27 2 discovered. All of the information involving those cases are  
14:19:30 3 discovered.

14:19:32 4 Then, when that's finished -- and hopefully that  
14:19:35 5 can be finished in a reasonable time -- then, from that  
14:19:41 6 bellwether pool comes the bellwether cases, so that each side  
14:19:47 7 then will have a better idea of the cases that they  
14:19:55 8 respectively pick.

14:19:56 9 I'll go over, eventually, with them as to methods  
14:20:00 10 and time and things of that sort, but we're not there yet.

14:20:03 11 MR. MEUNIER: Nothing new on Section 4, dealing with  
14:20:07 12 Counsel Contact Information, except to emphasize the importance  
14:20:11 13 of counsel providing that information to liaison counsel, and  
14:20:14 14 we appreciate all of the attorneys who have been doing so  
14:20:17 15 diligently.

14:20:18 16 On Section 5, dealing with Plaintiff Fact Sheets,  
14:20:21 17 Your Honor, following the status conference today, the Court  
14:20:25 18 will hear two motions for orders to show cause filed by the  
14:20:31 19 defendants, one dealing with the category of plaintiffs who  
14:20:34 20 have failed to serve a plaintiff fact sheet on a timely basis  
14:20:38 21 under the Court's orders, the other category dealing with  
14:20:41 22 plaintiffs who have failed to prove or document Xarelto use  
14:20:46 23 through the fact sheet process.

14:20:47 24 We understand that there are a number of  
14:20:49 25 attorneys appearing for the individual plaintiffs involved, and

14:20:52 1 that will be heard after the --

14:20:54 2 THE COURT: Right, we'll get on to that right after  
14:20:56 3 this conference, and then I'll hear from the parties.

14:20:59 4 The purpose of the fact sheets, as the attorneys  
14:21:02 5 know -- maybe the litigants don't -- in a case of this sort,  
14:21:07 6 and usually in civil cases, each side propounds a large set of  
14:21:16 7 interrogatories to each other, to the other side. They're  
14:21:22 8 questions fashioned by lawyers, and they're questions generally  
14:21:25 9 answered by lawyers.

14:21:28 10 As a result of that, very little gets done in  
14:21:30 11 that method, except a lot of motions to dismiss and a lot of  
14:21:36 12 other motions, and it takes a longer period of time.

14:21:42 13 In a case of this magnitude, we try to do away  
14:21:45 14 with the interrogatories, and in their place come up with fact  
14:21:49 15 sheets, the information that each side feels they need from the  
14:21:54 16 other side.

14:21:57 17 They propose these fact sheets. They have some  
14:22:00 18 agreement on the fact sheets. The fact sheets then take the  
14:22:05 19 place of interrogatories.

14:22:07 20 It's important that the fact sheets be filled out  
14:22:10 21 by both sides. The plaintiffs have fact sheets, and the  
14:22:14 22 defendants have fact sheets.

14:22:16 23 But I need the plaintiffs to understand that they  
14:22:19 24 have to fill in the blanks, the information that the fact  
14:22:26 25 sheets call for.

14:22:28 1 I try to give you enough time to do it. If you  
14:22:31 2 need additional time, I'm sensitive to that; but, we get to the  
14:22:35 3 point where some folks are not interested in filling out the  
14:22:40 4 fact sheets, or some folks are not able to fill out the fact  
14:22:44 5 sheets.

14:22:45 6 Frankly, in a litigation of this sort, some  
14:22:49 7 individuals, unfortunately or fortunately, haven't taken the  
14:22:52 8 drug, and if that's the case, then they may be in another  
14:22:57 9 litigation, but not in this litigation.

14:23:00 10 This has to do with Xarelto and the alleged  
14:23:05 11 maladies resulting from consuming Xarelto. If a person has not  
14:23:10 12 even taken Xarelto, then it seems to me logical that they  
14:23:14 13 shouldn't have a case in this court; maybe in another court, or  
14:23:17 14 maybe at another type of litigation, but this is the Xarelto  
14:23:25 15 case.

14:23:27 16 But we find that out in some fact sheets, and  
14:23:29 17 that's the purpose of the fact sheets -- one of the purposes of  
14:23:33 18 the fact sheets.

14:23:33 19 MR. MEUNIER: Thank you, Your Honor.

14:23:34 20 There is a comment made in this section of the  
14:23:37 21 joint report regarding withdrawal of counsel. We talked about  
14:23:40 22 this in chambers.

14:23:42 23 It appears that there are a number of situations  
14:23:45 24 in which attorneys for plaintiffs have been filing ex parte or  
14:23:51 25 unopposed motions to withdraw as counsel. This impacts not

14:23:56 1 only the number of remaining cases that are *pro se* from that  
14:24:00 2 point forward, which requires the Court to come up with special  
14:24:05 3 safeguards in handling of those cases, but it also impacts  
14:24:08 4 PTO 11B dealing with filing fees, which are the responsibility  
14:24:11 5 of counsel in many cases.

14:24:13 6 So with defendant liaison counsel, John Olinde,  
14:24:18 7 it's been agreed that both sides will have a meeting, perhaps  
14:24:22 8 with the clerk's office, and be presenting to the Court a  
14:24:24 9 protocol and process that will assure that the withdrawal of  
14:24:28 10 counsel is properly done, and that, in fact, with respect to  
14:24:30 11 other dismissals, the filing fee provisions of PTO 11B are  
14:24:35 12 protected and enforced.

14:24:36 13 THE COURT: I'll await that protocol, and I won't issue  
14:24:39 14 any orders allowing anybody to be dismissed in the case or  
14:24:46 15 withdraw from the case until I hear from you all.

14:24:48 16 MR. MEUNIER: Thank you, Judge.

14:24:49 17 We have been asked by the defendants to remind  
14:24:52 18 counsel that if they should decide to move for an extension of  
14:24:55 19 time on filing a plaintiff fact sheet, that they should  
14:25:00 20 contact, must contact defendants' liaison counsel first to  
14:25:03 21 determine whether or not there is any opposition.

14:25:05 22 Section 6 of the report deals with Defendant Fact  
14:25:12 23 Sheets, Judge. I would simply make note of the fact that,  
14:25:16 24 under PTO 14, it is the responsibility of plaintiffs' liaison  
14:25:21 25 counsel to actually send the written notification to defendants

14:25:26 1 when there is a perceived defense fact sheet deficiency in a  
14:25:31 2 given case. That's our responsibility. It remains our  
14:25:34 3 obligation.

14:25:34 4 We will continue as a PSC to have responsibility  
14:25:38 5 for the follow-up with the other side, with defendants, on how  
14:25:41 6 to resolve those deficiencies only as to the 40 discovery pool  
14:25:45 7 plaintiffs.

14:25:46 8 I just want to make it clear that for all other  
14:25:48 9 plaintiffs, other than those in the designated discovery pool  
14:25:51 10 of 40 cases, the follow-up on resolving any defense fact sheet  
14:25:57 11 deficiencies must fall to the individual plaintiff's counsel in  
14:26:01 12 those cases.

14:26:01 13 THE COURT: Okay. The reason that I'm agreeing with  
14:26:03 14 that is that I want the parties, both the PSC and the  
14:26:13 15 defendants' committee, to be focused on the 40 cases and the  
14:26:17 16 bellwether selection. That's where they need to put all of  
14:26:20 17 their attention at this point.

14:26:22 18 So I'm not going to forget the other cases, but  
14:26:25 19 the other cases will have to recognize that the 40 cases are  
14:26:32 20 going to be discovered first. The other cases will await  
14:26:38 21 further discovery, if necessary, and we'll deal with the 40.  
14:26:46 22 So I'll do that.

14:26:46 23 MR. MEUNIER: Your Honor, the Plaintiff and Defendant  
14:26:49 24 Fact Sheets now having been discussed under the joint report, I  
14:26:53 25 believe Jake Woody, of BrownGreer, is here to make an MDL

14:26:57 1 Centrality Report on the fact sheets.

14:26:57 2 THE COURT: All right.

14:27:33 3 MR. WOODY: That's a beautiful picture, but it's not  
14:27:36 4 my -- there we go -- not as exciting as the galaxy, but  
14:27:51 5 nonetheless.

14:27:52 6 Your Honor, my name is Jake Woody, from  
14:27:55 7 BrownGreer, here to give you just a quick update on MDL  
14:27:59 8 Centrality and the Plaintiff and Defendant Fact Sheet process  
14:27:59 9 in this case.

14:28:01 10 We have so far 4,420 plaintiff fact sheets  
14:28:06 11 submitted. That's an increase of 442 since the last status  
14:28:09 12 conference. We have another 1,829 in progress.

14:28:14 13 Of the fact sheets that have been submitted,  
14:28:17 14 1,463 have been amended at least once. That's done through MDL  
14:28:23 15 Centrality, simply by changing the answers or supplementing the  
14:28:27 16 information that's already been provided. We automatically  
14:28:29 17 mark that as an amended fact sheet or second amended, however  
14:28:29 18 the case may be.

14:28:33 19 So the total number of plaintiffs in the system  
14:28:35 20 so far is 6,249. That's an increase of 632 since the last  
14:28:40 21 status conference.

14:28:42 22 Those numbers, 442 and 632, are in line with the  
14:28:49 23 average that we receive every month. Since October of 2015,  
14:28:53 24 we've received about an average of 500 Plaintiff Fact Sheets  
14:28:57 25 every month. So far in March, we have 279, and we're two weeks

14:29:01 1 in, so that's in line to get another 500 in March.

14:29:04 2 I think that's in line, also, with the number of  
14:29:07 3 filings that are coming in. We don't see any sign of that  
14:29:10 4 decreasing. In fact, it appears to be slightly increasing over  
14:29:13 5 the last month or so.

14:29:14 6 Defendant Fact Sheets are very similar. So far,  
14:29:19 7 we have 4,811 Defendant Fact Sheets submitted, split almost  
14:29:24 8 equally between the two defendants here. We have 543 already  
14:29:28 9 in March, so we expect to see about a thousand in March as  
14:29:31 10 well.

14:29:31 11 Those are also done through MDL Centrality. If  
14:29:34 12 you're a plaintiff and you receive an e-mail from us that there  
14:29:37 13 is a defendant fact sheet available, you can log in to the  
14:29:40 14 system, view a PDF of the defendant fact sheet. We save it in  
14:29:45 15 the documents, with all the documents that the plaintiff's  
14:29:47 16 uploaded, so we have one file that contains all the documents.

14:29:50 17 If the defendants upload any supporting  
14:29:52 18 documentation, that will be available in the system as well.

14:29:55 19 Again, there are also certain limited instances  
14:30:00 20 where a defendant fact sheet is amended. If that happens, then  
14:30:03 21 we will mark it as an amended fact sheet, and plaintiffs will  
14:30:07 22 get an e-mail notifying them to log in and take a look at that  
14:30:11 23 defendant fact sheet.

14:30:12 24 Our demographics, our high level demographics,  
14:30:16 25 even with the addition of 440 plaintiff fact sheets since the

14:30:19 1 last status conference, remain almost exactly the same:  
14:30:23 2 51 percent male, 49 percent female.

14:30:26 3           You can see from the age chart there that about  
14:30:28 4 three-quarters of the population was between the ages of 60 and  
14:30:31 5 89 at the time they were injured. I think those types of  
14:30:35 6 statistics are significant when you start to look at how the  
14:30:39 7 MDL as a whole compares to the 40 cases that are in the  
14:30:44 8 discovery pool, which is what I'm showing here on this chart.

14:30:47 9           The blue bars are the MDL as a whole, and the  
14:30:51 10 orange bars are the 40 cases in the discovery pool. Again,  
14:30:55 11 51 percent in the MDL are male, and 52 percent in the discovery  
14:31:00 12 pool are male.

14:31:02 13           69 percent in the MDL are between the ages of 60  
14:31:07 14 and 79; 77 percent in the discovery pool are that age.

14:31:11 15           60 percent list GI bleed as an injury in the MDL  
14:31:14 16 population, and 72 percent have that same injury in the  
14:31:17 17 discovery pool.

14:31:17 18           This next category is the indication, the reason  
14:31:20 19 that the people took Xarelto, or at least that they list why  
14:31:25 20 they took it. 52 percent in the MDL note that it was to reduce  
14:31:28 21 the risk of stroke, and 72 percent in the discovery pool have  
14:31:31 22 that same indication.

14:31:33 23           Finally, 93 percent of all plaintiffs in the MDL  
14:31:36 24 allege that they were hospitalized for their injuries, and  
14:31:40 25 97 percent in the discovery pool make that same allegation.

14:31:43 1 So you can see, at least at a high level, that,  
14:31:46 2 on these factors, the discovery pool plaintiffs match the MDL  
14:31:51 3 as a whole.

14:31:52 4 THE COURT: That's the reason or one of the reasons  
14:31:54 5 that we are using the centrality, because it allows us to get  
14:32:01 6 these statistics early on and to make sure that the discovery  
14:32:05 7 pool mirrors the census of the litigation.

14:32:10 8 So now we know at least what the census seems to  
14:32:14 9 be presently, and the discovery pool closely mirrors that. So  
14:32:19 10 we should be able to get some representative cases from that  
14:32:24 11 discovery pool, from the various categories, so that we can see  
14:32:29 12 how juries react to those individual cases and get some  
14:32:35 13 information that the litigants and the lawyers can at least be  
14:32:38 14 aware of.

14:32:41 15 MR. WOODY: Again, even though we're receiving quite a  
14:32:44 16 few plaintiff fact sheets on an ongoing basis, those  
14:32:48 17 submissions are not really changing the overall demographics.  
14:32:51 18 So I won't expect that those numbers will change significantly,  
14:32:54 19 no matter how many plaintiff fact sheets we add to the system.

14:32:57 20 If there are other factors that the Court or the  
14:33:00 21 parties are interested in doing this kind of analysis on, I'm  
14:33:01 22 happy to do it. It's not a problem. It's fairly easy because  
14:33:04 23 we have all the information in a central database.

14:33:08 24 Just to conclude on some numbers about the system  
14:33:12 25 as a whole, we have 335 firms using the system. That's an

14:33:16 1 increase of about 20 since the last status conference.

14:33:19 2 1,235 people have log-ins to the system. That's  
14:33:23 3 an increase of about a hundred since the last status  
14:33:26 4 conference.

14:33:26 5 We have 70,000 documents in the system, uploaded  
14:33:30 6 by either the plaintiff or the defendants. That's an increase  
14:33:32 7 of about 20,000 since the last status conference.

14:33:35 8 So there is a lot of activity in terms of  
14:33:37 9 uploading supporting documents by both sides over the last  
14:33:41 10 month.

14:33:41 11 Our largest file is 883 megabytes. I mention  
14:33:45 12 that only to emphasize the fact that the system can accommodate  
14:33:50 13 very large files. I know that when you're dealing with medical  
14:33:52 14 records for people who have a number of medical issues, those  
14:33:55 15 can get quite large, and the system can accommodate an almost  
14:33:59 16 unlimited file size.

14:34:01 17 Finally, just to touch briefly on the pleadings  
14:34:04 18 aspect of MDL Centrality, as most everyone knows, we distribute  
14:34:08 19 pleadings that are filed through the Court's ECF system to all  
14:34:12 20 the registered users of MDL Centrality, with the pleading  
14:34:16 21 attached as a PDF document.

14:34:19 22 So far, we've distributed 3,084 pleadings.  
14:34:21 23 That's everything that's been filed since we started working on  
14:34:24 24 the case.

14:34:24 25 I know that many people may get tired of

14:34:28 1 receiving tens and dozens of pleadings every day. If that's  
14:34:32 2 the case, we can opt you out of that and give you an  
14:34:36 3 end-of-the-day summary -- it's just a chart of all the  
14:34:38 4 pleadings -- and we can switch you back if you need to.

14:34:41 5 If anyone on the phone or in the courtroom wants  
14:34:43 6 to avail themselves of that sort of streamlined option, you can  
14:34:46 7 e-mail us at MDLCentrality@BrownGreer.com. Likewise, if anyone  
14:34:55 8 needs help with the system or needs help accessing it or  
14:34:57 9 setting up accounts, please e-mail us at that same address.

14:35:02 10 THE COURT: Okay.

14:35:02 11 MR. WOODY: Thank you.

14:35:03 12 THE COURT: Thank you very much. That's been very  
14:35:05 13 helpful.

14:35:06 14 MR. MEUNIER: Your Honor, that brings us to Section 7  
14:35:10 15 of the report dealing with Bundling of Complaints, Answers,  
14:35:13 16 Responsive Pleadings.

14:35:15 17 We have already touched on the fact that  
14:35:19 18 dismissals in these bundled complaints do implicate the  
14:35:23 19 enforcement of the filing fee payments that are not excused,  
14:35:28 20 but rather deferred, under PTO 11B. We will be discussing that  
14:35:32 21 again with opposing counsel to present to the Court, a protocol  
14:35:36 22 to tighten that issue a bit.

14:35:38 23 The other thing that's discussed in this section  
14:35:41 24 of the report is the Timothy Martin case. As Your Honor  
14:35:46 25 recalls, this is the case that involves defendants that are

14:35:49 1 subject to another MDL, involving the Bair Hugger device.

14:35:55 2 I believe Mr. Irwin has heard from counsel for  
14:35:59 3 3M, and we've presented to the Court a joint request that you  
14:36:02 4 defer any decisions about the status of this matter until we  
14:36:05 5 get beyond the --

14:36:06 6 Is it March 24th --

14:36:07 7 MR. IRWIN: March 24th.

14:36:08 8 MR. MEUNIER: -- MDL status conference that involves  
14:36:08 9 the Bair Hugger issue.

14:36:13 10 THE COURT: Is that -- are you all in this case?

14:36:13 11 MR. LANDRY: Your Honor, may I approach?

14:36:16 12 THE COURT: Yes, sure.

14:36:17 13 MR. LANDRY: Good afternoon, Your Honor. Jason Landry,  
14:36:24 14 Martzell, Bickford & Centola.

14:36:25 15 We'd like to stand by our earlier position that  
14:36:27 16 we would not want the case severed, and also that we have no  
14:36:31 17 problem staying the action until the MDL has come to an end.

14:36:35 18 THE COURT: But as I understand, you're going to table  
14:36:37 19 that until a judge in -- Minnesota, is it?

14:36:43 20 MR. IRWIN: That's right. I believe it's going to be  
14:36:46 21 discussed -- or addressed, at least, at the March 24 conference  
14:36:49 22 with the judge. I believe that 3M counsel will be getting back  
14:36:53 23 to us, and we'll be discussing it.

14:36:55 24 THE COURT: Okay. All right. Thank you very much.

14:36:57 25 MR. LANDRY: Thank you, Your Honor.

14:36:58 1 THE COURT: Before we leave bundling, I mentioned to  
14:37:00 2 counsel that the bundling is helpful in an MDL to allow people  
14:37:07 3 to file into the MDL; but, we get to a point where we have to  
14:37:13 4 go back to the individual filing.

14:37:15 5 So I will be issuing an order. I'm going to give  
14:37:19 6 everybody some lead time on that, but the order will be that  
14:37:24 7 the bundling opportunity will cease in 60 days from the date of  
14:37:29 8 the order that I put out, so that people will have another  
14:37:33 9 60 days if they do wish to file in bundle form. If not, then  
14:37:39 10 they will have to file individual cases.

14:37:41 11 MR. MEUNIER: Thank you, Your Honor.

14:37:44 12 Nothing new to report on Section 8 in the joint  
14:37:46 13 report dealing with the Preservation Order.

14:37:50 14 Section 9 deals with the issue of Plaintiffs'  
14:37:54 15 Interactions with Prescribing and Treating Physicians of  
14:37:58 16 Plaintiffs.

14:37:58 17 On March 9, 2016, this court issued an order and  
14:38:03 18 reasons, it's Record Document 2676, which ruled on the matter  
14:38:08 19 that was before the Court on opposing briefs and argument.

14:38:12 20 In your order, Judge, you requested that the  
14:38:15 21 parties begin to discuss and work on a joint pretrial order to  
14:38:21 22 implement some of the aspects of your analysis and ruling  
14:38:25 23 dealing with the contacts with physicians. We will be doing  
14:38:29 24 that and reporting to the Court shortly on our efforts.

14:38:36 25 In Section 10 of the report dealing with

14:38:39 1 Discovery, the main current issue deals with a matter that will  
14:38:45 2 be heard by the Court today. It is the PSC motion addressing  
14:38:51 3 the confidentiality designations of certain documents. We  
14:38:56 4 understand the Court will take that up after the presentation  
14:39:01 5 on the orders to show cause.

14:39:03 6 Paragraph 11 of the report deals with Deposition  
14:39:08 7 Guidelines.

14:39:12 8 Judge, there may be -- probably will be a need to  
14:39:15 9 present to you a supplement to the deposition protocol, and in  
14:39:20 10 this supplement deal specifically with issues that are unique  
14:39:24 11 to the depositions of plaintiffs and physicians.

14:39:28 12 Again, this will deal with the plaintiffs in the  
14:39:30 13 discovery pool only. We have a team on each side that's been  
14:39:34 14 assigned the discussion for that and the presentation of  
14:39:36 15 something to the Court, hopefully in short order.

14:39:40 16 THE COURT: I had mentioned to counsel, with the  
14:39:42 17 discovery pool, we have to move those depositions quickly. So  
14:39:47 18 I suggest that they have teams, so that you can have flights of  
14:39:52 19 depositions going on at the same time, as opposed to just the  
14:39:55 20 same counsel taking 40 depositions. That's problematic.

14:40:01 21 So hopefully we can shorten the time by doing it  
14:40:04 22 that way.

14:40:06 23 MR. MEUNIER: Section 12 of the report deals with  
14:40:08 24 Discovery to Third Parties. Your Honor, the PSC continues to  
14:40:12 25 receive, both from the FDA and from the Duke Clinical Research

14:40:18 1 Institute, materials that are the subject of an earlier served  
14:40:22 2 subpoena on each of those entities.

14:40:23 3 We've discussed today with opposing counsel the  
14:40:25 4 need to secure a firm timetable whereby we transmit material  
14:40:31 5 that we receive from those sources to the defendants, without  
14:40:34 6 there being an undue delay in that process.

14:40:38 7 Section 13 of the report deals with State/Federal  
14:40:43 8 Coordination, and Ms. Barrios is here to make the report on  
14:40:47 9 behalf of the PSC.

14:40:50 10 MS. BARRIOS: Thank you, Mr. Meunier.

14:40:50 11 Good afternoon, Your Honor. Dawn Barrios for the  
14:40:50 12 Federal/State committee.

14:40:55 13 I've provided liaison counsel with copies of what  
14:40:57 14 I gave to your law clerk. That's just the stats of the cases  
14:41:01 15 filed around the country.

14:41:03 16 Really, right now, we have no big change in  
14:41:06 17 courts, but there are 54 additional cases that have been filed,  
14:41:09 18 with an additional 141 users. So around the country, there are  
14:41:15 19 715 cases, but 923 people who ingested Xarelto and have  
14:41:25 20 injuries.

14:41:25 21 THE COURT: Where are most of the cases, Dawn?

14:41:28 22 MS. BARRIOS: Philadelphia.

14:41:29 23 THE COURT: Philadelphia. Okay.

14:41:29 24 I understand that both Philadelphia and other  
14:41:34 25 places are teeing up some discovery orders or --

14:41:40 1 Susan, do you want to address that?

14:41:41 2 MS. SHARKO: Yes. We have our first -- we have our  
14:41:44 3 first case management conference before the coordination judge  
14:41:48 4 in Delaware on April 8th.

14:41:50 5 THE COURT: Who is he, Dawn, or she?

14:41:56 6 MS. BARRIOS: Judge Wharton.

14:42:03 7 MS. SHARKO: Ferris Wharton, Your Honor.

14:42:03 8 THE COURT: Thank you very much.

14:42:04 9 MS. SHARKO: His contact information is on the chart.

14:42:04 10 MR. MEUNIER: Your Honor, other than the reference to  
14:42:06 11 the matters now to be heard following the conference, which  
14:42:10 12 we've already discussed and identified, the only other issue is  
14:42:13 13 the scheduling of the May status conference.

14:42:16 14 THE COURT: The next conference will be April 20th at  
14:42:19 15 9:00 a.m.; 8:30, I'll meet with liaison counsel.

14:42:24 16 The May conference is May 24th at 9:00 a.m.;  
14:42:34 17 again, I'll meet with liaison and lead at 8:30 that day.

18 (WHEREUPON, at 2:42 p.m., the status conference  
19 concluded.)

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## REPORTER'S CERTIFICATE

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

s/Cathy Pepper

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