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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: VIOXX PRODUCTS \* Docket MDL 1657-L  
LIABILITY LITIGATION \*  
\* April 1, 2011  
\*  
This case relates to 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, LLP  
BY: RUSS M. HERMAN, ESQ.  
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New Orleans, Louisiana 70113

For the Defendant: Williams & Connolly, LLP  
BY: DOUGLAS R. MARVIN, ESQ.  
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Also Participating: Thomas Juneau, Esq.  
Elizabeth Cabraser, Esq.  
John Beisner, Esq.  
Dawn Barrios, Esq.  
Robert Johnston, Esq.  
Ann Oldfather, Esq.  
Jack Urquhart, Esq.  
Dorothy Wimberly, Esq.  
Leonard Davis, Esq.

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Official Court Reporter: Toni Doyle Tusa, CCR, FCRR  
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New Orleans, Louisiana 70130  
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1 PROCEEDINGS

2 (April 1, 2011)

3 **THE DEPUTY CLERK:** Everyone rise.

4 Be seated, please.

5 **THE COURT:** Good morning, ladies and gentlemen.

6 Call the case.

7 **THE DEPUTY CLERK:** MDL 1657, *In Re: Vioxx*.

8 **THE COURT:** Counsel make their appearance for the  
9 record, please.

10 **MR. MARVIN:** Good morning, Your Honor. May it please  
11 the Court. Douglas Marvin for Merck.

12 **MR. HERMAN:** Good morning, Judge Fallon. Russ Herman  
13 for plaintiffs.

14 **THE COURT:** We are here today for our monthly status  
15 conference. I received a proposed agenda from the parties. I  
16 met in advance with the lead and liaison counsel and discussed  
17 it with them. I will take it in the order in which they have  
18 presented it.

19 Anything on the Settlement Program?

20 **MR. MARVIN:** Your Honor, all the claims have been  
21 processed. There are some payments that still need to be made,  
22 but those are pending appointments of representatives and  
23 resolution of lien issues. Everything is proceeding apace.

24 **THE COURT:** There are cases outside of the Settlement  
25 Program, though, aren't there?

1           **MR. MARVIN:** There are, Your Honor.

2           **THE COURT:** How many are there, about? I know  
3 there's the attorney general claims. What other claims are  
4 still on?

5           **MR. MARVIN:** There are personal injury claims that  
6 still remain. There are about 175 of those cases that fall  
7 into three categories. The first category are the PTO 28  
8 cases, the cases that were pending at the time of the  
9 settlement and were either ineligible to enroll or chose not to  
10 enroll. The second category are the PTO 43 cases. Those are  
11 the cases that entered the program but did not pass through the  
12 gates. Then there are the PTO 29 cases that were filed after  
13 the settlement. So when you total all three categories, it's  
14 approximately 175 cases.

15                       At the last conference that we had with the  
16 Court, Ms. Oldfather, Mr. Birchfield, and myself, an agreement  
17 was reached to lift the stay on the PTO 43 cases and the PTO 29  
18 cases. The stay had already been lifted as to the PTO 28  
19 cases. So all those cases are now subject to discovery, and we  
20 will be talking to Ms. Oldfather and to the PSC about a plan  
21 forward on those cases.

22           **THE COURT:** That's my concern because I do want to  
23 move forward in the cases. We just had a conference with the  
24 respective parties. I need to put some structure into the  
25 remaining cases, so I have asked the parties to get together

1 and give me some sort of a breakdown on how many fall into each  
2 category. We will see where we are, and then I'm going to deal  
3 with putting some structure into it so that we can proceed to  
4 trial in those particular cases. There's resource problems,  
5 there's "person power" problems, and a lot of other things that  
6 have to be resolved, but I will be on that quickly.

7 Anything from the lien administrator?

8 **MR. HERMAN:** Nothing new, Your Honor.

9 **THE COURT:** What about the special master?

10 **MR. HERMAN:** Tom Juneau is here.

11 **MR. JUNEAU:** Good morning, Your Honor. Thomas  
12 Juneau. I'm here for the special master, Patrick Juneau. I  
13 will just report very briefly on the four tasks, as I  
14 appreciate, that he is working on, Judge. One is the basic  
15 Vioxx litigation, two is the lien dispute matter, three is the  
16 attorney general matters, and four is the attorney fee  
17 disputes. I will address each of those individually very  
18 briefly, Judge.

19 First, with regard to the basic Vioxx  
20 litigation, those tasks have essentially been completed. All  
21 the work has been completed in that matter.

22 Second, with regard to the lien disputes, the  
23 work is completed in that matter as well and the report has  
24 been submitted.

25 Third, with regard to the attorney general

1 matters, Your Honor, the special master, Mr. Juneau, spoke on  
2 Wednesday with a representative of the U.S. Department of  
3 Justice. By next week, we expect the Department of Justice to  
4 have a final determination with regard to what they will  
5 require, what language in the settlement release. Once that  
6 determination is made, Judge, the special master should be in a  
7 position to reinstitute the discussions between Merck and the  
8 attorney general.

9           The fourth and final matter, Judge, is with  
10 regard to the attorney fee disputes. Yesterday, the special  
11 master filed his formal report with the Court. All parties  
12 have been so notified. The report contains the special  
13 master's recommendations and rulings on discovery issues and  
14 the allocation process. The report also sets forth a  
15 scheduling order with deadlines with regard to the fee  
16 allocation disputes. The report also did set a hearing date,  
17 Judge, and that hearing is set for May 9, 2011.

18           **THE COURT:** Fine. With regard to that, as I  
19 announced on a number of occasions, what I'm doing is  
20 collecting facts, collecting information, collecting data,  
21 collecting opinions from various sources.

22           I received fee applications from all of the  
23 individuals. The first thing I did was to create a fee  
24 allocation committee and empowered them to discuss with the  
25 parties who submitted fee applications their position, put it

1 on the record, take whatever testimony or record their  
2 discussions, then come up with a proposed allocation, discuss  
3 it further with the individuals to get their input, and then  
4 give me a final proposed allocation according to their vantage  
5 point.

6 I felt that having people who had done the work  
7 both on the committee and not on the committee was valuable  
8 input. I wanted to tap that input, so that's the way I tapped  
9 that input. When I got their proposal, which is only a  
10 proposal, I then posted it on the Web site for everybody to  
11 see.

12 There were some 17 out of 100, or thereabouts,  
13 applications that objected. I gave them an opportunity to  
14 object, express their objection, and then I appointed a special  
15 master, somebody who had not worked on the case, a fresh pair  
16 of eyes, as it were, to look at the matter, take whatever  
17 testimony he felt was appropriate, still necessary, and allow  
18 some discovery to the extent he felt was necessary, and then  
19 for him to give me a proposal.

20 That way I have suggestions from people who have  
21 done the work, have been familiar with the case for a number of  
22 years; another person who hasn't done the work, looked at it  
23 fresh; and then I'm going to take all of that information and  
24 apply what knowledge I have of this particular case and the  
25 work done, and then I will come out with a final fee

1 allocation. That's what I'm doing in this process. Thank you  
2 very much for your help.

3 MR. JUNEAU: Thank you, Judge.

4 THE COURT: Class actions, anything?

5 MR. HERMAN: Nothing new, Your Honor.

6 THE COURT: State/federal coordination?

7 MR. HERMAN: Ms. Barrios is here.

8 THE COURT: Wait. You said nothing new.

9 MR. HERMAN: I'm sorry. Excuse me, Elizabeth.

10 MS. CABRASER: Your Honor, Elizabeth Cabraser from  
11 the PSC, just to report in on the status of the consumer cases.  
12 Your Honor has under submission Merck's motion to strike and  
13 the plaintiffs' opposition to that. We submitted recently  
14 supplemental authority from the Eleventh Circuit upholding  
15 class certification under the Florida consumer statute, which  
16 is one of the statutes at issue in this case.

17 I'm also informed that last week the Kentucky  
18 Supreme Court issued an order upholding the *Ratliff v. Merck*  
19 state court Vioxx class action under Kentucky Rule 23 and  
20 affirming the denial of summary judgment in that case. We'll  
21 submit that decision to Your Honor in due course.

22 Other than that, we understand that we are in  
23 line after the AG cases in terms of further action by this  
24 Court. We recommended to the Court, if we ever get to that  
25 point, consideration of the Florida statewide claim as a



1 potential bellwether claim for a common fact trial when we  
2 submitted the Eleventh Circuit authority.

3 **THE COURT:** How do you see that unfolding, Elizabeth,  
4 from that standpoint? It would be tried here, in Florida, or  
5 what?

6 **MS. CABRASER:** It could be tried here, Your Honor, or  
7 it could be tried in Florida. Frankly, we would need a  
8 substantial meet-and-confer with Merck to fully develop their  
9 opinion on it. We would submit some sort of plan to this  
10 Court, assuming the claims survive the motion to strike class  
11 allegations, and we would take it from there.

12 **THE COURT:** Thank you very much.

13 **MS. CABRASER:** Thank you.

14 **THE COURT:** John, do you have anything?

15 **MR. BEISNER:** Your Honor, if I may, first of all, let  
16 me address the Kentucky order because the order from the  
17 Kentucky Supreme Court is different than my esteemed counsel  
18 indicated.

19 We had filed in Kentucky a petition for writ of  
20 mandamus, which at the time we filed it was the only appellate  
21 mechanism available in Kentucky for review of a class  
22 certification order. Since that time, the state has adopted a  
23 rule comparable to Rule 23(f) that permits interlocutory  
24 appellate review. The trial court there, after it issued its  
25 initial order, issued a second class certification order from

1 which we have taken an appeal under that new Kentucky  
2 procedure.

3 All that the Supreme Court did was to say, "We  
4 are denying the writ of mandamus," but they were explicit that  
5 they were not addressing the merits of the class certification  
6 order issued by the trial court and explicitly acknowledged  
7 that that would be considered by the Kentucky Court of Appeals  
8 through the new process that's been invoked. So, in short,  
9 there's been no determination made by the Kentucky  
10 Supreme Court as to the appropriateness of class certification  
11 in that case.

12 Your Honor, with respect to the road ahead in  
13 this proceeding -- and I'm not sure counsel is disagreeing with  
14 this -- I think the first step is resolving the threshold  
15 motions that we have made here. I'm not sure that much purpose  
16 is served, in terms of talking about trials and other things,  
17 until we know if there's to be a class of any sort.

18 Of course, this was a motion to strike, so there  
19 would still need to be an affirmative motion for class  
20 certification the Court would need to grant before we can talk  
21 about trial, so just note that. Thank you, Your Honor.

22 **THE COURT:** Thank you.

23 **MR. HERMAN:** Your Honor, Ms. Barrios is here on  
24 Item V.

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

1           Good morning, Your Honor. Dawn Barrios for the  
2 federal/state committee. We continue to whittle down the cases  
3 before you that have remand motions. I have some statistics  
4 that would be a subset of what Mr. Marvin had reported. There  
5 are 114 cases open with pending remands, which is a reduction  
6 from last month. Of those 114 cases, we have 171 plaintiffs in  
7 those. Again, that would be a subset of Mr. Marvin's.

8           With regard to attempting to help clean up the  
9 docket, I have a chart that I provided to both Ms. Wimberly and  
10 Mr. Birchfield yesterday that needs attention. There are six  
11 cases, four of which deal with estate issues and two of which  
12 deal with derivative claimants. The case is closed, but one  
13 party is still hanging there. With your permission, I will  
14 give that to your law clerk for administrative dismissal.  
15 Thank you, Your Honor.

16           **THE COURT:** Thank you.

17           What about *pro se* claimants? Anything on *pro se*  
18 claimants?

19           **MR. HERMAN:** I saw Mr. Johnston earlier.

20           **MR. JOHNSTON:** Your Honor, Bob Johnston, curator for  
21 the *pro se* claimants. As I have reported to the Court in the  
22 most recent status conferences, we continue to see the expected  
23 decline in the number of calls. We continue to get calls, but  
24 I really think the only thing I have to communicate to the  
25 Court is, as has happened over the last several months, things

1 are going very smoothly.

2 **THE COURT:** Good.

3 **MR. JOHNSTON:** We assist the individuals, trying to  
4 explain the circumstances of their particular situation, and I  
5 think we generally get through to them. Thank you.

6 **THE COURT:** Thank you very much.

7 For those on the phone who may be *pro se*  
8 claimants, please check the Web site. You'll get  
9 Mr. Johnston's name and telephone number. If you need to call  
10 him, he is available to answer questions that you might have.

11 Governmental actions, anything?

12 **MR. HERMAN:** Thank you, Bob.

13 May it please the Court. Judge Fallon, with  
14 regard to the Louisiana attorney general action, the PSC papers  
15 are of record. I do want to clarify one issue, and that is  
16 that the PSC does not request in any way that the Justice  
17 Department and its representatives are subject to common  
18 benefit in this forum. I want to make that clear. Our  
19 position as to attorneys general, however, remains the same.

20 I do want to thank Ms. Barrios, who continues to  
21 monitor this matter for the PSC; Mr. Dugan, who tried the  
22 Louisiana AG case and who has been involved in this issue for  
23 some time; Mr. Seeger for his advice; and Ms. Cabraser for her  
24 interests and advices.

25 **THE COURT:** Pending personal injury cases, we talked

1 about that already. Ann, anything from you?

2 **MS. OLDFATHER:** No, Your Honor. Mr. Marvin  
3 summarized where we were.

4 **THE COURT:** Thank you.

5 The fee allocation committee, we talked about  
6 that. Do you need to discuss it?

7 **MR. HERMAN:** Your Honor, Ms. Snapka's attorney has  
8 requested that he be allowed to address the Court.

9 **MR. URQUHART:** Let me introduce myself, Your Honor.  
10 My name is Jack Urquhart and I represent Kathryn Snapka. We  
11 have filed as recently as yesterday a motion that addresses the  
12 transfer of funds from BrownGreer to Michael Stratton and have  
13 raised an issue specific to Ms. Snapka. It's not my intention  
14 to take the Court's time to deal with that except to draw the  
15 Court's attention to the fact that we have asked for an  
16 expedited submission date because of the circumstances that we  
17 have described in our motion.

18 **THE COURT:** Any comments on that?

19 **MR. HERMAN:** Yes, Your Honor. We should be able to  
20 respond to those papers by next Friday, which I believe would  
21 be the 8th.

22 **THE COURT:** Is that okay with you? I can do it on  
23 the phone. I don't want you to fly in or be imposed upon. My  
24 thinking on it is that the way to do it may well be to deposit  
25 the funds in the registry of the Court. I will rule that you

1 don't have possession of them, the Court has possession of  
2 them, and we'll deal with that later on.

3           Let's just cut through that right now. I will  
4 put out that order that allows you to deposit the money into  
5 the registry of the Court. That will indicate that you don't  
6 have possession of it and that will take off the slack from the  
7 income tax. It will be in the registry of the Court, and I  
8 will just deal with that when it's appropriate.

9           **MR. HERMAN:** Your Honor, in light of those comments,  
10 if counsel agrees, it won't be necessary for us to file papers.

11           **THE COURT:** I understand the issues and I think you  
12 have a valid point. I don't want you to have to worry about  
13 what to do with the money or what to do with the income tax or  
14 anything of that sort, so I'll put out an order to that effect.

15           **MR. URQUHART:** Thank you very much, Your Honor.

16           **MR. HERMAN:** Your Honor, as a matter of professional  
17 courtesy, I don't think Mr. Becnel is here today, Daniel  
18 Becnel. He may have the same problem. He is represented by  
19 other counsel.

20           **THE COURT:** Communicate what my feeling is to  
21 Mr. Becnel. If he wishes to do the same thing, I will do the  
22 same thing for him. Thank you very much for bringing it to my  
23 attention.

24           Merck's motions, anything on that?

25           **MR. HERMAN:** Ms. Wimberly is here, Your Honor.

1           **THE COURT:** We will do that afterwards. Anything on  
2 appeals?

3           **MR. HERMAN:** No, Your Honor.

4           **THE COURT:** I have a meeting with the attorneys  
5 general. That's next, Jim.

6                       The next status conference is June 1. I'll meet  
7 with the lead and liaison counsel at 8:30, and I'll have an  
8 open court and telephone availability at 9:00.

9                       Anything that I haven't covered?

10           **MS. WIMBERLY:** Your Honor, Mr. Davis just requested,  
11 because of their meeting that they have immediately after this,  
12 if we could just go ahead and take up the motions now. It will  
13 just take a couple minutes.

14           **THE COURT:** Sure. That's fine.

15           **MR. HERMAN:** Your Honor, while that's going on, I  
16 would like to speak with Mr. Juneau one moment regarding the AG  
17 matter.

18           **THE COURT:** Okay.

19           **MS. WIMBERLY:** Your Honor, we have three motions on  
20 the docket today, all of which were continued from the status  
21 conference and hearing date of February 24. Let me take them  
22 up in the order which will be the easiest to resolve.

23                       The first is the motion to dismiss the claims of  
24 *pro se* plaintiff Mark Henrichs under Rule 25(a)(1) for failure  
25 to substitute a proper party. That is Record Document 61281.

1           As the Court may recall, at the February 24  
2 hearing, we were instructed to attempt to contact the heirs of  
3 Mr. Henrichs and to advertise to do that. We subsequently  
4 obtained, with the assistance of the *pro se* curator's office,  
5 the addresses of the four heirs and received the Court's  
6 permission to contact them at those addresses.

7           On March 9, we sent via FedEx correspondence to  
8 each of the four heirs: Scott Henrichs, who is the brother of  
9 the decedent, Mr. Henrichs; John Henrichs, another brother;  
10 Margaret Henrichs, the mother of the deceased; and Martha  
11 Henrichs Head, the sister of the deceased.

12           We received signed confirmations of delivery to  
13 all four of these heirs and we have received nothing further;  
14 no contact whatsoever, no indication that anyone desires to  
15 substitute and carry on the litigation. We would ask that the  
16 Court grant our motion and dismiss the claims of Mr. Henrichs  
17 with prejudice.

18           **THE COURT:** Anything?

19           **MR. DAVIS:** Your Honor, Leonard Davis on behalf of  
20 the plaintiffs' steering committee. We reurge our same  
21 objection that this not be dismissed with prejudice if there's  
22 to be a dismissal.

23           **THE COURT:** Anything from you, Ann?

24           **MS. OLDFATHER:** No, Your Honor.

25           **THE COURT:** As I mentioned, I don't do these matters



1 willy-nilly. I do everything I can to notify everybody  
2 concerned. I think we have done that in this case. It's over  
3 five years now. There are people who move on with their lives.  
4 There are people who have changed their mind. They don't wish  
5 to pursue the case. If they don't wish to pursue the case,  
6 they have that right. They have by their silence indicated  
7 they do not wish to pursue the case. I will grant the motion.  
8 I overrule the opposition of the plaintiffs' committee and  
9 grant the motion with prejudice.

10 **MS. WIMBERLY:** The second motion that was also  
11 continued from February 24 is the motion to dismiss the claims  
12 of Pedro Gonzalez with prejudice pursuant to Rule 25(a)(1).  
13 That is Record Document 61280.

14 We have received nothing from anyone related to  
15 Mr. Gonzalez' estate. The only contact has come from his  
16 counsel, one of whom is Ms. Oldfather, who indicated that they  
17 have not been able to get any sort of response from  
18 Mr. Gonzalez' heirs and they intend to move to withdraw.

19 Your Honor, while we certainly can understand  
20 their desire to withdraw, we don't want to be left hanging,  
21 having to try to search and find this plaintiff. I don't know  
22 whether Ms. Oldfather knows whether, in fact, her address is a  
23 good address or have they had any problems with deliveries, but  
24 we don't want to be on the hook to have to search this  
25 plaintiff down whose family is not even communicating with

1 their own counsel.

2 MS. OLDFATHER: I apologize, Your Honor, for having  
3 to discuss this now. I think it's a victim of Dorothy's  
4 traveling yesterday because usually we would have sorted this  
5 out.

6 Mr. Gonzalez is in a completely different  
7 situation than Mr. Henrichs, who is *pro se*, which is why the  
8 Court required Merck to make an effort to find his heirs.  
9 Mr. Gonzalez was represented by Mr. Feathers and I am  
10 co-counsel in that case. We are in direct contact with his  
11 wife. It's just that she is not responding to our advice that  
12 she go ahead and open up the estate. For that reason, we are  
13 going to withdraw as counsel.

14 I had thought we had agreed that this motion  
15 would be passed to give us time to file that withdrawal within  
16 the next week or two and give the Court time to rule, but maybe  
17 I misunderstood our conversation.

18 MS. WIMBERLY: No, we don't have any objection to  
19 that, Your Honor, but we would like the matter to be reset for  
20 the June 1 conference.

21 THE COURT: Let's do that. I will pass it until the  
22 June conference.

23 MS. OLDFATHER: I have no objection to that.

24 MS. WIMBERLY: But also to require that any motion to  
25 withdraw be filed within the next 10 days.

1 MS. OLDFATHER: Agreed.

2 THE COURT: That's fine.

3 MS. WIMBERLY: That brings us to the last motion,  
4 Your Honor, which is the motion relating to Mr. Harrison. We  
5 did discuss this briefly in chambers. This is the motion to  
6 dismiss his case for failure to comply with the discovery  
7 requirements of Pretrial Order 28.

8 This motion is somewhat unusual in that  
9 Mr. Harrison did, after several hearings and the Court's order,  
10 finally provide his case-specific expert report a year and a  
11 half or so ago, but what he has flat-out refused to do until  
12 this time is to provide his signed authorizations and medical  
13 records and list of providers.

14 We had reached an agreement with Mr. Harrison to  
15 continue our motion to this hearing date and he had agreed that  
16 he would either comply or provide an opposition by March 14.  
17 That date came and he indicated he was going to comply. We did  
18 not receive anything.

19 I was contacted by Ms. Oldfather Wednesday  
20 evening. She indicated that Mr. Harrison had contacted her and  
21 indicated that he was hospitalized due to complications from an  
22 infection with a knee replacement, and she asked that we agree  
23 to pass the motion for 60 days.

24 While ordinarily we would agree, what we are  
25 asking for, as we indicated in chambers, is signed

1 authorizations. We have reached an agreement whereby I am  
2 going to FedEx those authorizations to Mr. Harrison at his  
3 hospital location, where he has agreed to execute them within  
4 48 hours. Included in my FedEx to him, which I am going to  
5 have for Saturday delivery, tomorrow, will be a return FedEx  
6 envelope and label so that he can send those back to us. So  
7 what we had previously agreed is that we would like to have  
8 these executed within -- was it 10 days?

9 **MS. OLDFATHER:** 48 hours.

10 **MS. WIMBERLY:** He has agreed to do so within 48  
11 hours.

12 Your Honor, what was brought to my attention  
13 this morning is that while that's going to be great, it's also  
14 going to be somewhat worthless because he has never told us who  
15 his providers are. I realize that he may not have access to  
16 all of his records at this point in time since he is  
17 hospitalized. We would ask that within 30 days, sooner if  
18 possible, that he also be required to provide us with the names  
19 of his providers, and that within 30 days after his release  
20 from the hospital that he complete the plaintiff profile form  
21 that would have that information in more detail so that we can  
22 act on those records.

23 **THE COURT:** Let's take it a step at a time, Ann.  
24 Let's get the signed documentation first and coordinate getting  
25 this information --

1           **MS. OLDFATHER:** Yes, Your Honor.

2           **THE COURT:** -- and we'll see where we are.

3           **MS. OLDFATHER:** Your Honor, just for Mr. Harrison's  
4 benefit, I will repeat what I told the Court in chambers, which  
5 is Mr. Harrison's refusal to sign the authorizations was not  
6 arbitrary. As an attorney, I can say it was misinformed. But  
7 at least from his perspective, it was a principled but  
8 misinformed stand on what he thought was his need to insist on  
9 reciprocal discovery from Merck. He has assured me that he  
10 will comply promptly with all the requirements of the pretrial  
11 orders that apply to him.

12                       So at this point, Your Honor, if I understand  
13 the Court's ruling, we are going to get the authorizations. I  
14 will facilitate the back-and-forth between Ms. Wimberly and  
15 Mr. Harrison, to the extent that it's necessary, to get as  
16 prompt compliance as we can with the providers and the  
17 plaintiff profile form, but I'm not in a position to agree to  
18 the time limits because I don't know -- we didn't think about  
19 that to discuss it is the problem.

20           **THE COURT:** I understand. At this point, let's focus  
21 on getting the material.

22                       Mr. Harrison, I need you to cooperate. I'm  
23 trying to focus on your case, but I need the information  
24 distributed so that I can properly focus on your case. I am  
25 urging and instructing you to comply with that and to provide

1 that information. If you don't comply, I'm going to entertain  
2 a motion to dismiss your case, so you need to know that.

3 **MS. WIMBERLY:** So, Your Honor, could we reset this  
4 for the June 1 hearing?

5 **THE COURT:** Okay. I'll reset it.

6 **MR. HERMAN:** May it please the Court. Your Honor,  
7 Ms. Barrios will be the PSC's designated representative at the  
8 attorneys general conference.

9 **THE COURT:** Anything else on this other than the  
10 attorneys general? Thank you very much. We will meet in a  
11 moment on the attorneys general. The Court will stand in  
12 recess.

13 **THE DEPUTY CLERK:** Everyone rise.

14 (WHEREUPON the Court was in recess.)

15 \* \* \*

16 **CERTIFICATE**

17 I, Toni Doyle Tusa, CCR, FCRR, Official Court  
18 Reporter for the United States District Court, Eastern District  
19 of Louisiana, do hereby certify that the foregoing is a true  
20 and correct transcript, to the best of my ability and  
21 understanding, from the record of the proceedings in the  
22 above-entitled and numbered matter.

23  
24 s/ Toni Doyle Tusa  
25 Toni Doyle Tusa, CCR, FCRR  
Official Court Reporter