

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN)
PRODUCTS LIABILITY LITIGATION

* MDL 2592 "L"

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May 24, 2016

Judge Eldon E. Fallon

THIS DOCUMENT RELATES TO
ALL CASES

Mag. Judge Michael North

**REPORTER'S OFFICIAL TRANSCRIPT OF THE STATUS CONFERENCE
BEFORE THE HONORABLE ELDON E. FALLON,
UNITED STATES JUDGE.**

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1 P R O C E E D I N G S

2 (Call to order of the court.)

3 THE COURT: Morning, ladies and gentlemen. Be seated,
4 please.

19:03:19 5 Call the case.

6 THE CASE MANAGER: MDL 2592, *In Re: Xarelto Products*
7 *Liability Litigation*.8 THE COURT: Counsel, make your appearance for the
9 record, please.19:03:29 10 MR. MEUNIER: Jerry Meunier, Gainsburgh, Benjamin.
11 Co-liaison for the plaintiffs.12 MR. IRWIN: Good morning, Your Honor. Jim Irwin for
13 the defendants.14 THE COURT: We're here today for our monthly status
19:03:39 15 conference. I met with counsel a moment ago to discuss the
16 agenda. I'll take it in the order presented.

17 Before I do so, let me mention a couple of things.

18 One thing, it's been brought to my attention that
19 people are -- that litigants are receiving a telephone call from
19:03:58 20 some unknown source indicating that the case had been resolved,
21 or something to that effect, and they just need to send a certain
22 amount of money to get on a list or whatever. It's a scam and
23 I'm going to alert the U.S. Attorney's office to it and we'll see
24 what happens with that.

19:04:21 25 But the point is that the matter is not resolved,

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1 there's nothing in the mill to that effect, and the litigants
2 should not be taken in by any such scam.

3 MR. MEUNIER: Thank you, Judge.

4 Looking at the joint report, we first list all of the
5 pretrial orders that have been ordered. I'll identify five such
6 orders which have been ordered since the last status conference
7 with Your Honor.

8 PTO 24-A. PTO 26. PTOs 27, 28 and 29.

9 And if I might, Judge, I would like to take a few
10 minutes to talk about 24-A and 29. The other new orders will be
11 discussed in the course of the joint report.

12 Counsel, particularly for plaintiffs, need to be aware
13 of these particular orders which deal with the voluntary
14 dismissal of cases, either entirely or voluntary dismissals of
15 certain claims.

16 New Pretrial Order 24-A addresses motions to
17 voluntarily dismiss a claim, a party, or an entire action
18 pursuant to Federal Rule 41(a)(2). And under this order now, in
19 advance of filing any such voluntary dismissal motion, plaintiff
20 counsel must provide written notice to the defendant liaison lead
21 counsel at least 14 days in advance, and then certify, when
22 filing, that the motion is either opposed or agreed upon.

23 And if it is being opposed, it's important for counsel
24 to know that all of these motions, which will be heard by the
25 Court, will now be noticed for hearing only on one of the status

1 conference dates which has been scheduled by Your Honor. So
2 they'll be bundled if they occur between conferences and heard on
3 those conference dates.

4 Also when a motion is filed to voluntarily dismiss an
5 entire action, it must be accompanied by a certification that the
6 filing fee and payment requirements of PT0 11-B, if applicable,
7 have been satisfied.

8 And importantly, these provisions apply not just to
9 prospective motions, Judge, but to pending motions of voluntary
10 dismissal which have not yet been ruled upon by the Court. And
11 in those cases the order provides plaintiff counsel has to now
12 supplement and amend their pending motions to conform with
13 PT0 24-A.

14 And as to motions of voluntary dismissal which may
15 have been granted, and in which, for whatever reason, a required
16 filing fee has not been paid, then the order makes it incumbent
17 on plaintiff liaison counsel to communicate with those plaintiff
18 attorneys now and see that the filing fees, which are due, are
19 paid.

20 The other new order to mention is PT0 29 which deals
21 not with motions but notices of voluntary dismissal, which are
22 permissible under Federal Rule 41(a)(1), but as the Court knows,
23 only permissible if no answer has been filed. So in those cases
24 the new order specifies that if you're going to file a notice of
25 voluntary dismissal, you must file with it a written

1 certification that your notice is being filed within 30 days of
2 the case being docketed.

3 The reason for that is that under an earlier
4 pretrial order, the omnibus answer of the defendants is operative
5 and applicable in cases once that 30-day period for docketing
6 runs. So the only way you can file the notice, in the absence of
7 an answer, is to certify in writing that the notice is being
8 filed within that 30-day period before which the omnibus answer
9 applies.

10 I just wanted to mention those things on the record to
11 make sure that counsel are aware of those provisions.

12 And I'll talk about the other new orders as we go
13 forward, Your Honor.

14 THE COURT: Okay.

15 MR. MEUNIER: There's nothing new on case management
16 orders or bellwether selections.

17 Item 4 on the joint report deals with counsel contact
18 information, and Mr. Davis and I are appreciative that we
19 continue to get those counsel contact information forms sent to
20 us as required. That allows the case to be properly included in
21 notification protocols and MDL Centrality. We appreciate
22 counsels' continued work with us on that.

23 THE COURT: With regard to the bellwether selection
24 areas, how is the discovery in that -- on those issues coming
25 along? Is the plaintiff now taking depositions of the --

1 MR. MEUNIER: Mr. Birchfield can report on that, Judge.

2 MR. BIRCHFIELD: Your Honor, the bellwether discovery
3 process is underway. Several of the plaintiffs have already been
4 deposed. We have depositions set for several of the prescribers
5 and the treaters and so it's proceeding. It's not all the
6 plaintiffs will be deposed and then the prescribers or treaters.
7 We're scheduling these as we can get them set. But most of the
8 40 cases are in place now and either have depositions set or are
9 being set.

10 THE COURT: Okay. That's fine. The reason I wanted to
11 know is because I'm talking to some of the state court judges and
12 I'd like to keep them up to speed on what's happening here.
13 Okay.

14 MR. MEUNIER: Your Honor, on plaintiff fact sheet,
15 which is Item 5 of the joint report, I first would like to
16 mention the protocol that continues to, I think, be helpful to
17 the Court and to the parties when there is a delinquent or
18 deficient plaintiff fact sheet. And under prior architectural
19 orders of this MDL, those cases may be subject to a dismissal
20 with prejudice.

21 We have a system in place whereby there's a contact
22 counsel on either side in this case, Ms. Deirdre Kole for the
23 defendants and in our case Ms. Sindhu Daniel for plaintiffs. And
24 those two counsel will look at a list of the cases that are on
25 that possible dismissal track because of a problem with the PFS

1 not being filed or it being deficient.

2 That gives the counsel an opportunity, particularly on
3 our side, to communicate with plaintiff counsel and try to work
4 out those problems. If they cannot be worked out, then it
5 appears before Your Honor on a rule to show cause for dismissal.
6 This Court has already done that once in a prior April hearing,
7 at the April 20th status conference, and then you entered, on
8 May 11th, an order that did dismiss certain of those cases. From
9 the PSC standpoint we just want to make sure that all the due
10 process safeguards have been followed for those lawyers and
11 litigants to know what's facing them.

12 We continue to have that protocol and we continue to
13 get an opportunity with defendants to look at the list of cases
14 that are subject to possible dismissal for that reason, and I do
15 appreciate the efforts of Ms. Kole and Ms. Daniel to keep that
16 process going.

17 THE COURT: Yeah, we have to recognize that, in these
18 cases, we try to move them as quickly as we can. And it's like
19 moving a battleship, it's very difficult. But one way we do it
20 is to do discovery in a different way than we do ordinarily.

21 In the ordinary case you're dealing with
22 interrogatories and things of that nature. Here we're trying to
23 package that in the form of fact sheets so that the parties get
24 together beforehand and decide what information they need
25 immediately to deal with the case, and they do it in the form of

1 a fact sheet. Each side fills out the fact sheet giving the
2 other side material that would ordinarily be forthcoming in sets
3 and sets and sets of interrogatories.

4 But people have to participate in it. And that's --
5 that's where sometimes it becomes more difficult because
6 individuals have to know that I'm going to enforce the fact
7 sheets. If they don't do it, I'll give them time. If they're
8 doing it and trying to do it, I'll give them time. But if
9 they're just giving up on it or don't want to deal with it or
10 don't want to be bothered, then they ought not to be in the
11 litigation.

12 So I'll give them enough time, but it comes a point, if
13 I get the feeling that they're not interested in it anymore, then
14 we'll move them out of the litigation and deal with the people
15 who are interested in proceeding.

16 And that's the reason for it.

17 MR. MEUNIER: Your Honor, there has been an important
18 development with Pretrial Order 27, which is one of those new
19 orders entered since the last status conference, which directly
20 affects the scope and nature of the fact sheet process going
21 forward.

22 In particular, PTO 27 modifies earlier Pretrial Orders
23 13, 13-A, 14, and 14-A, which were the series of orders that
24 specified what needed to be in a plaintiff fact sheet and what
25 the defendant fact sheet needed to do in response.

1 Under PT0 27, now the plaintiff fact sheet and
2 defendant fact sheet requirements of those PT0 13 and 14 orders
3 will remain in effect only for the 40 discovery pool plaintiffs.
4 And, likewise, will remain in effect for any cases where the
5 plaintiff fact sheet is due on or before March 30, 2016.

09:13:50

6 So if your fact sheet is due on or before March 30,
7 2016, even if you're not in the discovery pool, the usual
8 standard requirements of PT0 13 and 14 remain.

9 However, under PT0 27, outside of the discovery pool
10 and if your fact sheet is due after March 30, 2016, there's a new
11 day which essentially is that the plaintiff fact sheet now is
12 only required to be filled out for the core information in
13 Section 1, and the defendant fact sheet response is suspended.

09:14:10

14 And Order 27 provides, of course, that at the
15 appropriate time when the parties are prepared to do so, with the
16 Court's permission, we'll come back and talk about defendant fact
17 sheet obligations in those cases where it is suspended under
18 PT0 27.

09:14:34

19 THE COURT: Okay.

20 MR. MEUNIER: I think Jake Woody is here, Judge, for
21 BrownGreer to make a report now on the inventory which may
22 include numbers of fact sheets so it might be a good time for
23 Jake to do that.

09:14:47

24 MR. WOODY: Good morning, Your Honor. My name is
25 Jake Woody from BrownGreer. I have a brief report on the

09:15:12

1 MDL Centrality and fact sheet process in this MDL.

2 So far we have received 5,573 plaintiff fact sheets.

3 That's an increase of 620 since our last status conference.

4 We have another 2,241 in progress, meaning they've been
5 started but haven't been submitted yet.

6 And of the 5,573, 1,723 have been amended at least
7 once.

8 That's a total of 7,817 plaintiffs in the system, which
9 is an increase of 825 since the last status conference.

10 I talked to your courtroom deputy a few moments ago
11 about the number of cases in this MDL, and that has expanded in
12 the last month or so. And I think that right now the total is
13 about 7,000 cases.

14 We have more fact sheets in the system, which is not
15 surprising, because many of those cases are bundled and will be
16 severed. So I think that we'll see an increase in fact sheets
17 over the next two to three months as those obligations to
18 complete a fact sheet for those new cases come due.

19 This is our monthly count.

20 For April we had 569 fact sheets submitted, which is a
21 little bit higher than our average of 500.

22 So far in May we have 357 with about a week left.

23 I do think that over the course of the summer,
24 especially in July and August, you'll see a greater increase in
25 these numbers because of those other bundled complaints that have

1 come in over the last week.

2 After that I expect it will reduce and become sort of a
3 smaller monthly total, but I do think we'll see a lot of activity
4 over the next few months in fact sheet submissions.

09:16:57

5 Defendant fact sheets.

6 We have 6,375 total submissions.

7 We've seen these numbers drop a little bit, and that's
8 because of PTO 27, which Jerry mentioned a moment ago.

09:17:13

9 Again, if a PFS was due after March 30th, the
10 plaintiffs only need to complete Section 1 and supply all the
11 normal documentation, the medical records and authorizations and
12 proof of use. I think that will make it easier for people to
13 submit fact sheets which may in part have caused the slight
14 increase we've seen over the last month. Because if it's easier
15 to submit them, more people will actually submit complete fact
16 sheets.

09:17:31

17 Likewise on defendant fact sheets, as Jerry mentioned,
18 the obligation to supply a defendant fact sheet that was served
19 after March 30th is suspended. I think that's caused the
20 decrease in defendant fact sheets that I showed you a moment ago.
21 And I think that that number will continue to decrease unless and
22 until there's an obligation to serve defendant fact sheets for
23 the new plaintiff fact sheets.

09:17:46

09:18:05

24 This is our comparison of the discovery pool to our MDL
25 as a whole (indicating), and it's by and large remaining the same

1 as it has in past months. We've seen a slight decrease in some
2 of the categories in the MDL. Notably the age in the MDL as
3 between 60 and 79 has decreased slightly as well as the main
4 injury, which is an alleged GI bleed.

09:18:24

5 I do think that this analysis will probably be more
6 useful once we have processed and received all the fact sheets
7 for the new cases in July and August, because these numbers are
8 slightly in flux right now as we receive all these new fact
9 sheets, but I will continue to monitor and report on to the
10 Court.

09:18:41

11 Finally, just our -- sort of statistics.

12 We have 363 firms in the system.

13 1,380 users.

14 We've identified 41 plaintiffs who are -- have been --
15 we have fact sheets filed by different law firms for the same
16 Social Security number. We have received some information from
17 these firms to switch representation. And we have a process in
18 place to make sure that all firms are aware of these requests,
19 and we'll continue to monitor the duplicate plaintiffs and clean
20 these up as best we can.

09:18:58

09:19:15

21 We have 89,214 documents in the system, which is an
22 increase of about 10,000 since the last status conference. And I
23 expect that that number will continue to expand exponentially as
24 new fact sheets and new plaintiffs are registered.

09:19:31

25 Finally we have just under 4,000 pleadings served

1 through MDL Centrality. Again, that number continues to increase
2 steadily. We receive the ECF notifications from the court,
3 convert that into an e-mail with the pdf of the document
4 attached, and send that to all registered plaintiff users.

09:19:48 5 We also send a summary at the end of the day. And if
6 you would like to control which e-mails you receive, we have a
7 spot on our home page to do it. If you just want to receive the
8 end-of-the-day summary, you can do it there. You can also e-mail
9 us at mdlcentrality@browngreer.com and we'll take care of it for
10 you.

11 THE COURT: How's the pleading section of the program
12 going? Is that working?

13 MR. WOODY: Yes, it's going very well. It's an
14 automated system. Nobody has to really do anything. In the past
15 you would have to upload -- you would have to file with ECF, and
16 then upload it somewhere else. But because we're able to get
17 these ECF notifications and basically import data, including the
18 actual document, from those without any human hand touching
19 anything, it's been a good system. And I think it's made it
20 easier for everyone to keep abreast of filings and orders in the
21 MDL.

22 Thank you, Your Honor.

23 THE COURT: Thank you, Jake.

24 MR. MEUNIER: Your Honor, as you know there are really
25 two dimensions of service provided by BrownGreer with this

1 program. MDL Centrality is having its maiden voyage in this MDL,
2 as Your Honor encouraged us to try it, and one is the assembly of
3 all the data that we see reported on, which is helpful to the
4 parties and the Court; but the other I'll mention is that we've
5 recently been made aware of a pretty significant dollar savings
6 that has been enjoyed on the side of the service, dealing with
7 the service of process and the service of pleadings. So I do
8 think MDL Centrality has been a success for more than one reason
9 in this case.

10 THE COURT: Yeah, from my standpoint it's helpful to me
11 because I'm looking at the census of the litigation, and it's --
12 you can see it developing one way or the other. And so you try
13 to keep the bellwether program or the bellwether selection
14 consistent with the census of the litigation, and I think we're
15 doing that in this particular case. So I think it's really
16 helpful that way, too.

17 Okay.

18 MR. MEUNIER: The next section of the report deals with
19 the bundling of complaints, and we want to mention that under
20 PT0 11-F, the Court declared that as of May 20th of this year,
21 2016, no bundled or joint complaints, as defined in PT0 11, will
22 be accepted for filing in the clerk's office.

23 And plaintiff counsel should know that we continue to
24 have posted on the Court's website a joint complaint. It is
25 obviously now no longer serviceable as a model for a bundled

1 complaint, which are no longer permitted in the MDL. However --
2 and neither is it to serve as a master complaint because, as the
3 Court knows, there has been no master complaint in the
4 traditional sense of the word used in this MDL.

09:22:41 5 But the content of that joint complaint is there on the
6 Court's website. It can serve as a template to plaintiff counsel
7 who will now be filing cases in the more traditional mode outside
8 of a bundle mechanism.

09:23:04 9 Section 8 of the report deals with preservation orders.
10 We simply remind plaintiff counsel that under PT0 15-B, there was
11 an option to either refrain from or preserve things like
12 voicemails, instant messages, and text messaging that might deal
13 with Xarelto, the use of Xarelto, or injuries alleged to have
14 resulted from Xarelto.

09:23:27 15 So that option specifically stated that as of
16 September 17th, 2015, one would either refrain from using those
17 mechanisms for those communications or preserve. And to the
18 extent there was continued use of voicemail, text messaging,
19 et cetera, plaintiffs and plaintiff counsel should be aware of
09:23:49 20 the preservation obligations of PT0 15-B.

21 Under the next section of the report, Your Honor, we
22 address the parties' interactions with prescribing and treating
23 physicians. And one of the new orders entered by the Court since
24 the last status conference is PT0 28 which sets forth the
09:24:09 25 protocol for plaintiffs and plaintiff counsel making contact with

1 physicians. And I encourage counsel new to the case to read the
2 provisions of PTO 28 to be educated about the standard for that
3 and the requirements for that.

4 In Section 10 of the report, we discuss various
5 discovery developments. We continue to have biweekly telephone
6 conferences with the Court to raise and discuss with you, outside
7 of formal motion practice, if necessary, discovery disputes or
8 concerns or need for clarification. I think both sides would
9 agree those biweekly conferences continue to be very helpful to
10 the Court -- to the parties, rather. And the next will be with
11 you on June 2nd to the extent we have issues to raise.

12 THE COURT: Yeah, that's -- we try to do that because,
13 as I say, we're trying to move the case along and we can't get
14 tangled up in the weeds. And if it goes through the magistrate
15 and then there has to be a written order and then I have to
16 review it and I have to write an order, it just takes up so much
17 time and it doesn't work. But if something needs to be briefed,
18 if something needs to be argued personally, I'm sensitive to
19 that. The parties let me know and we do it that way.

20 MR. MEUNIER: And I think that that need for balance
21 between that process and the need to protect and preserve issues
22 is illustrated in the next item in this section of the report
23 dealing with confidentiality of documents.

24 Under PTO 12, as the Court knows, there is a process
25 set forth whereby if the plaintiffs' side believes there are

1 certain materials which should not be continued to be marked
2 confidential, we send a letter to the defendants' side about
3 that. And there is a meet-and-confer process then allowed for
4 under PT0 12, and the defendants may, in that process,
5 de-designate certain documents. And then as to those documents
6 which remain in dispute on confidentiality grounds, we have
7 motion practice.

8 And so on May 20th, the -- following that same process
9 that started with a letter that we had written on April 6th, on
10 May 20th the defendants did file a motion for protective order as
11 to documents which -- as to which there is a dispute on
12 confidentiality.

13 And we've shared with the Court how again the process
14 is important, but also time and practical needs are important.
15 And we need to continue to work with defendants and with
16 Your Honor on how to best expedite this process on
17 confidentiality. And so we appreciate that the Court has given
18 us an expedited track now on this May 20 motion. As I appreciate
19 it, that will now be heard by the Court in the afternoon of
20 June 10. And the plaintiffs' opposition brief will be due by
21 noon on June 6th, and the defendants' reply by June 8th also at
22 noon, I believe.

23 And maybe we'll learn, Judge, in that process with you,
24 and particularly with your ruling, how to better expedite this
25 going forward. But it is a concern, we've raised it with the

1 defendants, and we'll continue to talk about it.

2 THE COURT: Yeah, the -- the reason for the
3 confidentiality is just a practical one. The defendants have to
4 be encouraged to turn over thousands and thousands of documents.
5 The logistics have to be short-circuited. And so they have to
6 have some comfort in the fact that the documents are going to be
7 treated confidentially as opposed to simply distributed on the
8 Internet.

9 If that is their concern, then they're going to have to
10 scrutinize every single document and it will take time and effort
11 because we're dealing with millions of documents here. So I'm
12 sensitive to that so we put things under a confidentiality order.

13 But as the case develops, there are certain documents
14 that may not need to be under that order. And the parties have
15 to meet and confer and see whether there's any interest in
16 excluding those documents.

17 And sometimes depositions are going to be taken and
18 those documents are going to be used in depositions, and in the
19 confidentiality world, the person who is testifying or reviewing
20 those documents also is asked to treat them as confidential.

21 And that presents some problems, particularly with
22 treaters and other individuals, and so they resist that. And so
23 we have to then look at each deposition to see which documents
24 are going to be used and how to best give that witness comfort in
25 using the documents and talking about the documents and at the

1 same time treating them with some care and respect. And that
2 takes a little effort, but that's a way of doing it.

3 So both sides have some interest in dealing with these
4 issues.

19:29:44

5 MR. MEUNIER: Your Honor, I'm advised by Mr. Irwin that
6 I misspoke on the defendant's reply brief which is due June 8th.
7 It's due at 5:00 p.m., not at noon.

8 THE COURT: Okay.

19:30:00

9 MR. MEUNIER: In the same discovery section of the
10 report, Your Honor, we also mention your recent ruling on the
11 issue of the German Privacy Act and the German employee and
12 personnel files. Oral argument on the PSC's motion that those
13 files be produced was heard by the Court May 10, and on May 16
14 the Court issued an order and reasons which is mentioned in the
15 joint report. And as a result of that, Defendant Bayer will be
16 producing a privacy log as directed by you in your ruling. And
17 we understand that privacy log is due by June 6, 2016.

19:30:22

18 THE COURT: Right. You don't see "privacy logs" in the
19 Federal Rules of Civil Procedure. We've just invented that one
20 but it does the same concept. So it's an opportunity for me to
21 understand what documents we're talking about. It's really not a
22 privilege log, because that's -- we're not there yet, so we had
23 to call it something so I called it a privacy log.

19:30:48

19:31:14

24 MR. MEUNIER: Your Honor, the final thing to mention on
25 discovery pertains to one of the new orders, the last one I

1 mentioned new since the last conference, and that is PT0 26,
2 which sets forth a negotiated protocol for the order and
3 scheduling of depositions to be taken with respect to the
4 40 discovery pool plaintiffs.

09:31:33 5 We also mention here that contention interrogatories
6 regarding the 40 discovery pool plaintiffs have been propounded
7 to the defendants, and we did that starting on April 26, 2016.
8 Again, a signal that we are now getting into crunch time on the
9 merits discovery of those 40 cases. And as Andy reported,
10 depositions are being taken all with a view toward hopefully
11 serving up instructive and useful information based on that
12 sample of cases.

13 Nothing new to report, Judge, on deposition guidelines.
14 The next section of the report deals with discovery to
09:32:11 15 third parties.

16 I think we're pretty much status quo with respect to
17 the FDA and DCRI references in the report.

18 We did have a subpoena issued to Alere San Diego, Inc.,
19 and we've had some meet-and-confer with that entity and we're
09:32:30 20 awaiting the production of materials under subpoena.

21 We've also been in contact with another group, PhMRA,
22 Pharmaceutical Research and Manufacturer of America, to which we
23 issued a subpoena. Again, meet-and-confer discussions have been
24 held, and we're answering certain questions that that entity has
09:32:48 25 raised about the nature of the materials sought under subpoena.

1 The other two third-party subpoenas mentioned in the
2 report, one dealing with Portola Pharmaceuticals, Inc. and the
3 other Diagnostica Stago, Inc., those were subpoenaed
4 deposition -- or notices of depositions set for June 20. Just
5 for the record, that date has now been, by agreement, suspended
6 and meet-and-confer discussions are continuing with those
7 entities. Going forward we hope to work out any issues we have
8 with respect to those subpoenas.

9 On state/federal coordination, Ms. Barrios is not here
10 and my co-liaison, Lenny Davis, has the unenviable task of
11 standing in for Ms. Barrios.

12 MR. DAVIS: Good morning, Your Honor. Lenny Davis,
13 co-liaison counsel.

14 I've been asked by Dawn Barrios, Mike Weinkowitz, and
15 Dan Galluci to present their report to the Court. I've already
16 provided to the Court, and defendants have it, the statistics as
17 of May 20, 2016. If there are any questions regarding those
18 reports, I'm happy to answer them.

19 But in brief, there are 93 new cases filed since the
20 last status conference with 101 plaintiffs or Xarelto users that
21 are identified. We expect that that may change over the next
22 coming months.

23 California still has a consolidated action. We now
24 understand that that will be in Los Angeles and a judge has not
25 yet been selected. The prior order that was issued indicated

1 San Francisco, but we do know now that it is Los Angeles.

2 With respect to Pennsylvania, we understand that the
3 Court will be issuing Case Management Order No. 10, which will
4 have an amended complaint and short-form complaint, which will
5 also include stroke cases. And that judge, as I understand it,
6 provided previous issues on that. That's Judge New. And I also
7 understand that there's a status conference in that court this
8 Thursday.

9 The only other jurisdiction that has an increase in
10 cases is Delaware, which we've discussed at previous conferences,
11 and that judge is Judge Wharton, and his contact information is
12 indicated in the chart.

13 THE COURT: Right. I talked with Judge Wharton and met
14 with him and hopefully we'll be able to work together on the
15 matter.

16 MR. DAVIS: Thank you, Your Honor.

17 THE COURT: Thank you very much.

18 Do we have a motion filed that -- after this
19 conference?

20 MR. MEUNIER: A motion to remand will be heard after
21 the conference.

22 THE COURT: Right.

23 MR. MEUNIER: Our next status conference with you is
24 June 24th at 9:00 a.m. And I think the Court has also set a
25 July --

1 THE COURT: The subsequent one is July 22nd at 9:30.
2 July 22, 2016, 9:30. I'll meet with the liaison and leads at
3 9:00 July 22nd.

4 MR. MEUNIER: Thank you, Judge.

19:36:04

5 THE COURT: Okay. We'll take a ten-minute break and
6 I'll come back and hear the motion.

7 Court stands in recess.

8 (Proceedings recessed.)

9

10 * * * *

11 CERTIFICATE

12

13 I hereby certify this 27th day of May, 2016, that the
14 foregoing is, to the best of my ability and understanding, a true
15 and correct transcript of the proceedings in the above-entitled
16 matter.

17

18

/s/ Mary V. Thompson

19

Official Court Reporter

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