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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: XARELTO (RIVAROXABAN) \* Docket 14-MD-2592  
PRODUCTS LIABILITY LITIGATION \*  
\* Section L  
\*  
Relates to: All Cases \* New Orleans, Louisiana  
\*  
\* August 4, 2015  
\* \* \* \* \*

STATUS CONFERENCE BEFORE THE  
HONORABLE ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE

Appearances:

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computer-aided transcription software.

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09:06 1           **MR. MEUNIER:** Your Honor, I know I speak on behalf of  
09:06 2 all counsel and certainly the PSC in saying Ashley has been a  
09:06 3 wonderful asset to the system, to this Court, and we wish her  
09:06 4 the best in her professional endeavors.

09:06 5           Judge, good morning. The first item on the  
09:06 6 report is a review of pretrial orders. I will just highlight  
09:06 7 several which have been entered by the Court since the last  
09:06 8 status conference of July 9, starting with PTO 11B entered by  
09:06 9 the Court on July 14.

09:07 10           PTO 11, Judge, as you know, deferred the payment  
09:07 11 of filing fees for plaintiffs other than the lead plaintiff in  
09:07 12 bundled or joint complaints.

09:07 13           PTO 11B specifies different scenarios for a case  
09:07 14 ending or resolving and how those different scenarios affect  
09:07 15 the responsibility and payment of those deferred filing fees.

09:07 16           PTO 11C, which was entered by the Court on  
09:07 17 July 14, specifies how plaintiffs' counsel are to handle  
09:07 18 voluntary motions to dismiss, amendments to complaints, and the  
09:07 19 filing of summonses in cases served after a bundled or joint  
09:07 20 complaint is filed.

09:07 21           **THE COURT:** With regard to voluntary dismissals  
09:07 22 without prejudice, if you voluntarily dismiss, check with the  
09:07 23 defendants because they are going to have to consent to a  
09:07 24 voluntary dismissal. They have answered the pleadings, so you  
09:08 25 need the Court's permission for that other than if everybody

09:08 1 consents. If they don't consent, then that's a problem.

09:08 2 **MR. MEUNIER:** The final pretrial order entered since  
09:08 3 the last conference is PTO 20, which was entered on June 15,  
09:08 4 and this regards the format for the production of  
09:08 5 electronically stored information.

09:08 6 Your Honor, the next item is CMOs. You have  
09:08 7 entered CMO 1, which deals with a number of topics, some of  
09:08 8 which will be covered later in the joint report. Both sides  
09:08 9 have submitted to the Court versions of CMO 2, which we  
10 understand the Court is now in the process of considering.

09:08 11 **THE COURT:** Right. I have the input from counsel on  
09:08 12 CMO 2, and I will be issuing that in the next day or two. I  
09:08 13 appreciate the work that they have done. Many of the items  
09:09 14 they have agreed upon; some they have not agreed upon. So they  
09:09 15 have given me their individual views, and I will prepare CMO 2  
16 and move forward with that.

09:09 17 What I try to do in these cases is to lay what I  
09:09 18 call some infrastructure so that we have guides and plans, and  
09:09 19 that's what we have done. The infrastructure is in place now,  
20 and we should be moving forward with discovery, bellwether  
21 selection, and bellwether trials eventually.

09:09 22 **MR. MEUNIER:** Item 4, Judge, is the counsel contact  
09:09 23 information form. We appreciate, on behalf of that committee,  
09:09 24 the continued compliance with that. We continue to receive  
25 updated, current, and accurate contact information forms from

09:09 1 the various attorneys who enter the case and that's very  
09:09 2 helpful. In fact, it's essential to our management from the  
09:10 3 plaintiffs' side.

09:10 4 Item 5 is plaintiff fact sheets. There are a  
09:10 5 few items, Judge, we would like to highlight with respect to  
09:10 6 the fact sheets.

09:10 7 In context, the data that is uploaded into the  
09:10 8 MDL Centrality system based on fact sheets becomes increasingly  
09:10 9 critical as a tool for both sides and for the Court as we now  
10 step into the phase of the upcoming CMO 2 and the trial of  
09:10 11 cases, the discovery pool, etc.

09:10 12 The first thing to mention to the Court is that  
09:10 13 we are working with BrownGreer to resolve an issue that's come  
09:10 14 up with respect to plaintiff attorneys who attempt to update or  
09:10 15 supplement a fact sheet, which is important to do, and at that  
09:10 16 moment have found their access blocked by virtue of the fact  
09:10 17 that that fact sheet at the time in question is under review by  
09:11 18 the defendants. I think Jake Woody is participating today by  
09:11 19 phone and has told us and the Court that he has committed  
09:11 20 himself to BrownGreer making an arrangement that will prevent  
09:11 21 that from happening.

09:11 22 We understand from information received this  
09:11 23 morning that there are just over 800 fact sheets submitted, an  
09:11 24 additional 700 or so in process, meaning that there are a total  
09:11 25 of over 1,500 fact sheets that are currently working through

09:11 1 the system.

09:11 2 I think there's a value in referring now to some  
09:11 3 issues dealing with deficiencies and fact sheets, and I think  
09:11 4 Ms. Sharko is going to mention that to the Court.

09:11 5 **MS. SHARKO:** Yes. Thank you. Susan Sharko for  
09:11 6 Janssen.

09:11 7 So of the 800-and-some plaintiff fact sheets  
09:11 8 that have been submitted, we have looked at 742 for what we  
09:11 9 call core deficiencies. Our deficiency process is a two-step  
09:12 10 process. So if there are a lot of deficiencies, you will  
09:12 11 ultimately get two letters from us.

09:12 12 About 75 percent of the fact sheets have some  
09:12 13 what we call core deficiencies, so I thought it would be  
09:12 14 helpful if I outlined the top five for people so that they can  
09:12 15 go back and look at the fact sheets, because it's so important  
09:12 16 to get this information so that we can use MDL Centrality.

09:12 17 The first one is failure to submit proof of a  
09:12 18 Xarelto prescription. That's mandatory. Over 10 percent of  
09:12 19 people haven't done that.

09:12 20 The second is failure to submit any medical  
09:12 21 records evidencing the alleged injury. Many people haven't  
09:12 22 submitted those. Other people have submitted records, but they  
09:12 23 don't show an event. So we would urge you to please get those  
09:12 24 records in.

09:12 25 The third is failure to submit medical record

09:12 1 authorizations; again, mandatory, and we really need that.  
09:12 2 24 percent of the ones we have looked at so far don't have  
09:13 3 authorizations.

09:13 4 The fourth is signing the PFS. Please have your  
09:13 5 client sign the PFS. Otherwise, it's just a document.

09:13 6 And then the fifth is identification of the  
09:13 7 prescriber and a treating physician. That's really important  
09:13 8 because the way the defense fact sheet works is we will give  
09:13 9 you certain information for a prescriber and a treater, but you  
09:13 10 have to identify who they are for us in the proper place. You  
09:13 11 can't say "see medical group" or "see above" because we can't  
09:13 12 get this information for a medical group. So please go back  
09:13 13 and identify a treater and a prescriber so we can get you what  
09:13 14 you are entitled to under the DFS.

09:13 15 **THE COURT:** Fine. Thank you. Let me reinforce that.

09:13 16 In these cases the problem that is faced is that  
09:13 17 we have to create mechanisms that go outside of the traditional  
09:14 18 discovery vehicles. These cases don't work well with the  
09:14 19 traditional interrogatories.

09:14 20 Interrogatories are questions designed and asked  
09:14 21 by attorneys, and they are designed and answered by attorneys.  
09:14 22 So the attorney who asks wants everything from the beginning of  
09:14 23 time, and the attorney who answers doesn't want to give  
09:14 24 anything, so as a result it creates a lot of motion practice.  
09:14 25 When you are dealing with thousands and thousands of cases, you



09:14 1 get tied up with motion practice that stops everything from  
09:14 2 moving and cases just linger like asbestos has lingered for  
09:14 3 30 years.

09:14 4 So we create different methods of giving and  
09:14 5 exchanging information. The one that's been most helpful are  
09:14 6 the fact sheets, plaintiff fact sheets and defendant fact  
09:14 7 sheets. We sometimes call them profile forms, but they are  
09:15 8 fact sheets. They are designed to give information to each  
09:15 9 side quickly and efficiently. What we are doing with this  
10 MDL Centrality is that now we are doing them online and they  
11 are being digitized, and so we can then drill down and collect  
12 and massage these documents a little bit more.

13 The first is going to be to see whether or not  
14 there are people who are in this litigation that perhaps ought  
15 not to be in the litigation. They may not have taken Xarelto,  
16 and that will show up on the fact sheet. If that shows up on  
17 the fact sheet, then soon I'm going to be ordering them into  
18 court to show why their case should not be dismissed. If they  
19 haven't taken the drug, they ought not be here. If they have  
20 taken the drug, then that's something else. Those fact sheets  
21 will show that.

22 It's to everybody's benefit that the matter gets  
23 culled out. I don't think plaintiffs or defendants want to  
24 have in this case people who haven't even taken the drug. That  
25 just contaminates the whole process, and it doesn't help

09:16 1 anybody. So this will give us information to that extent, and  
09:16 2 it also has an opportunity to allow us, as quickly as possible,  
09:16 3 to decide on the bellwether trials.

09:16 4 The process that we are going to deal with in  
09:16 5 selecting the bellwether trials is that we are going to, first  
09:16 6 of all, select a discovery pool. In this courthouse now we  
09:17 7 have 1,300 cases that have been filed, so it looks like we will  
09:17 8 have thousands of cases. It's not fair to the parties,  
09:17 9 particularly it's not fair to the defendants, to have them pick  
09:17 10 bellwether cases when they know nothing about the case. The  
09:17 11 concept is to see whether or not we can pick bellwether cases  
09:17 12 that have some informational aspect.

09:17 13 We are going to pick a discovery pool of cases.  
09:17 14 The plaintiffs will pick 10, the defendants will pick 10, and  
09:17 15 we will pick 20 randomly. We will get a 40-case discovery  
09:17 16 pool. Hopefully that discovery pool will, as much as possible,  
09:18 17 represent the census as a whole. Then the parties will drill  
09:18 18 down and discover those 40 cases. Each side will discover the  
09:18 19 cases and take the depositions necessary to enlighten them on  
09:18 20 those cases. From those cases they will then pick the  
09:18 21 bellwether cases.

09:18 22 We are going to pick at least four bellwether  
09:18 23 cases. I have some trial dates already assigned. We will try  
09:18 24 the first two in New Orleans and perhaps one in Houston and  
09:18 25 perhaps one in Mississippi. That's the present schedule. We

09:18 1 may have to massage that, but at least that's our goal. That's  
09:18 2 how we are going to go about it.

09:18 3 That's why these fact sheets are so important  
09:18 4 because they are your entrance to the bellwether pool. If you  
09:18 5 want your case tried, it's important that you fill out the fact  
09:19 6 sheets. If you don't, you are not going to be able to get in  
09:19 7 the discovery pool. If you are not in the discovery pool, you  
09:19 8 won't be eligible for bellwether trials.

09:19 9 **MR. IRWIN:** One other topic, Your Honor, with respect  
09:19 10 to the plaintiff fact sheets, and this has to do with the  
09:19 11 status of extension requests.

09:19 12 We have a deadline of July 3 for the cases that  
09:19 13 were filed timely before CMO 1 was entered. We were faced with  
09:19 14 about 131 PFS extension requests very shortly before the July 3  
09:19 15 deadline. We had to be careful about what we agreed to. We  
09:19 16 agreed to five. With the obligations that we all have to be  
09:19 17 getting ready for these trials, we had to be very careful about  
09:19 18 granting extensions.

09:19 19 One motion has been filed by The Cochran Firm  
09:20 20 and it is submitted to Your Honor. I understand it's under  
09:20 21 advisement. It involves six cases. These are all filed in  
09:20 22 2015: The *Jones* case, No. 252; the *Manning* case, No. 1037; the  
09:20 23 McLeod case, No. 71; the *Porterfield* case, No. 11; the  
09:20 24 *Culpepper* case, No. 498; and the *McMillan* case, No. 19. That  
09:20 25 is the status presently of the PFS extension requests

09:20 1 informally and of the motion that's under advisement to  
09:20 2 Your Honor.

09:20 3 **THE COURT:** Let's watch the extensions. We are  
09:20 4 really trying to move this case fast. Everybody is going to  
09:20 5 have to just get with it. If you don't, then recognize that  
09:20 6 you are not going to be eligible for the discovery pool and you  
09:20 7 will be left outside. Extensions are very, very hard to come  
09:20 8 by.

09:20 9 **MR. MEUNIER:** I guess, Your Honor, a final comment  
09:20 10 that we have already discussed with the Court and opposing  
09:21 11 counsel on fact sheets has to do with medical records. The  
09:21 12 fact sheets contain a lot of important information. As the  
09:21 13 Court is aware, the medical records, which are then obtained  
09:21 14 through authorizations executed by the plaintiff, really allow  
09:21 15 both sides to become educated and decide whether that's a  
09:21 16 representative case for the discovery pool, etc. So we have  
09:21 17 talked to the defendants about trying to streamline obtaining  
09:21 18 medical records by using the same vendor that the defendants  
09:21 19 are in contact with.

09:21 20 When they make those arrangements final with the  
09:21 21 vendor for the reproduction of medical records, the  
09:21 22 understanding is that we will be given the identity and contact  
09:21 23 information for that same vendor. We will, at our cost, make  
09:21 24 arrangements so that when that vendor produces medical records  
09:21 25 to the defendants' side, it will be simultaneously possible for

0 9 : 2 1 1 there to be a production to our side, so that both sides can be  
0 9 : 2 2 2 reviewing the records without delay in this process of deciding  
0 9 : 2 2 3 whether that case is a suitable selection for the discovery  
0 9 : 2 2 4 pool.

0 9 : 2 2 5 **THE COURT:** Also, I might say that from the  
0 9 : 2 2 6 standpoint of the attorneys, the contract attorneys who are  
0 9 : 2 2 7 representing the individuals themselves, that it's helpful if  
0 9 : 2 2 8 you keep in touch with the PSC so that you can give them the  
0 9 : 2 2 9 records. They can have at least two opportunities to get the  
0 9 : 2 2 10 records: (1) directly from you; and (2) from the defendants'  
0 9 : 2 2 11 vendor.

0 9 : 2 2 12 **MR. MEUNIER:** Your Honor, we probably will send out  
0 9 : 2 2 13 an e-mail to plaintiffs' counsel to emphasize the importance of  
0 9 : 2 2 14 that.

0 9 : 2 2 15 Nothing really to discuss about defendant fact  
0 9 : 2 2 16 sheets, which is Item 6 on the report.

0 9 : 2 2 17 Item 7, dealing with bundling of complaints and  
0 9 : 2 2 18 responsive pleadings, we did reach an agreement with counsel  
0 9 : 2 2 19 for Bayer that when service rejection letters are issued  
0 9 : 2 3 20 pursuant to PTO 10 in cases where Bayer Pharma AG has not been  
0 9 : 2 3 21 properly served, that it's understood and agreed that the  
0 9 : 2 3 22 service rejection letters in question can issue from outside  
0 9 : 2 3 23 counsel for Bayer. We are not going to require that the  
0 9 : 2 3 24 letters come from in-house or Bayer employees.

0 9 : 2 3 25 Judge, on Item 8, preservation --

09:23 1 MR. IRWIN: Excuse me.

09:23 2 MR. MEUNIER: I'm sorry.

09:23 3 MR. IRWIN: Your Honor, eight Rule 41 motions to  
09:23 4 dismiss without prejudice were filed. This is reported in  
09:23 5 paragraph 7, I believe. Our method of handling these is to  
09:23 6 speak to plaintiff counsel to try to explore the reasons for  
09:23 7 the motions. That has resulted in three of the motions being  
09:24 8 converted to stipulations of dismissal with prejudice.

09:24 9 One of those is the *Viard* case. That's 15-1145.  
09:24 10 Another one is *Wagner*, 15-344. I'm informed this morning that  
09:24 11 Kanserski, 15-1595, will also be dismissed by stipulation with  
09:24 12 prejudice. Another case, the *Sitton* case, which is 15-2368,  
09:24 13 the motion to dismiss without prejudice is being withdrawn.  
09:24 14 I'm not sure that's been filed yet.

09:24 15 There are three that have been submitted to  
09:24 16 Your Honor on motion, and we have filed opposition briefs to  
09:24 17 them. We have given the names of the plaintiff counsel to  
09:24 18 Mr. Barr, who is going to call those lawyers and find out  
09:24 19 whether or not they want oral argument on that motion. Those  
09:24 20 cases are *Perry*, which is 15-2153, *Samford*, 15-1327, and  
09:25 21 Newkirk, 15-2593.

09:25 22 THE COURT: Okay. Thank you very much.

09:25 23 Anything on the preservation order?

09:25 24 MR. MEUNIER: Only to report, Judge, that we did on  
09:25 25 July 15 and 16 conduct the 30(b)(6) depositions of Janssen and

0 9 : 2 5 1 Bayer, which will further clarify issues that have remained  
0 9 : 2 5 2 with respect to ESI production.

0 9 : 2 5 3 On Item 9, discovery, the Court has helpfully  
0 9 : 2 5 4 scheduled biweekly telephone conferences with us to give us an  
0 9 : 2 5 5 opportunity to report to you on discovery issues that we have  
0 9 : 2 5 6 and get the Court's feedback and guidance on that. That's been  
0 9 : 2 5 7 a very helpful process. We had our first biweekly conference  
0 9 : 2 5 8 with Your Honor.

0 9 : 2 5 9 As a result of that conference, you gave the PSC  
0 9 : 2 5 10 until yesterday to file a memo in response to what the  
0 9 : 2 5 11 defendants had filed on the issue of document production. I  
0 9 : 2 5 12 understand this morning that the defendants wish to file a  
0 9 : 2 6 13 brief surreply, if you will, or further statement for the  
0 9 : 2 6 14 record, and that then Your Honor will be in a position to help  
0 9 : 2 6 15 the parties get through the issue of document production, which  
0 9 : 2 6 16 obviously is a predicate to so much that needs to be covered in  
0 9 : 2 6 17 CMO 2 and in the discovery and trial phase of the case.

0 9 : 2 6 18 **THE COURT:** What we have done with discovery is that  
0 9 : 2 6 19 the discovery is ongoing now. Rather than have a plethora of  
0 9 : 2 6 20 motions, I meet with the parties by telephone with a court  
0 9 : 2 6 21 reporter present. We meet every two weeks, more frequently if  
0 9 : 2 6 22 necessary, but it's scheduled for every two weeks. I will hear  
0 9 : 2 6 23 any discovery conflicts or potential conflicts or anticipated  
0 9 : 2 6 24 conflicts that they may see coming down the road. I hear from  
0 9 : 2 6 25 each side, I make a ruling on it, and we move on.

09:27 1 I think we have to be conscious of the fact that  
09:27 2 we are going to have discovery disputes. That's the nature of  
09:27 3 the game. I don't want to just have the whole case stopped  
09:27 4 while we are dealing with discovery disputes. I deal with  
09:27 5 discovery, for the most part, myself. If an issue of law is  
09:27 6 necessary to be briefed or to be discussed, then I will take  
09:27 7 briefs on it and rule.

09:27 8 Ordinarily it's not necessary for me to do that.  
09:27 9 I'm aware of the case. I keep up with the case. So I hear  
09:27 10 from the other side, and I'm able to dictate my ruling  
09:27 11 immediately so that we can move on with it. That's what we  
09:27 12 have been doing.

09:27 13 Anything on deposition guidelines?

09:27 14 **MR. MEUNIER:** Your Honor, we are negotiating and very  
09:27 15 close to agreement with defendants on submitting a joint  
09:27 16 proposed pretrial order on deposition guidelines, which among  
09:27 17 other things will address the important question of  
09:28 18 coordination with state court counsel and the taking of  
09:28 19 depositions that involve witnesses in all litigation.

09:28 20 Item 11, discovery to third parties, as you  
09:28 21 know, there is an issue with respect to the FDA. The PSC  
09:28 22 issued a subpoena for the production of material from the FDA.  
09:28 23 We have been told that the FDA is certainly in a position to  
09:28 24 produce and has, in fact, started to produce those documents  
09:28 25 which are purely internal FDA documents subject to the



09:28 1 subpoena.

09:28 2 The issue arises with respect to those documents  
09:28 3 the FDA possesses which would be responsive to the subpoena but  
09:28 4 which also include communications with the defendants. Much of  
09:28 5 that may have already been and probably already has been  
09:28 6 produced by the defendants to the PSC, so there's an issue  
09:28 7 about duplication and overlap. On the other hand, it's  
09:28 8 important to the PSC to know exactly what's in that category of  
09:29 9 documents to get a full and complete production under the  
09:29 10 subpoena.

09:29 11 Pursuant to discussions this morning, as I  
09:29 12 understand the process going forward, we will next make a  
09:29 13 further effort to contact a spokesman for the FDA with respect  
09:29 14 to this subpoena. We appreciate the Court being willing to be  
09:29 15 on standby should we have difficulty or delay in that regard  
09:29 16 because this is obviously a critical predicate to further  
09:29 17 discovery needed in the case.

09:29 18 Once we, as the PSC, directly hear from the FDA  
09:29 19 what exactly it is that they have in that category I mentioned,  
09:29 20 then I believe the next step is probably going to involve a  
09:29 21 conference with not just the FDA but counsel for the defendants  
09:29 22 to try to work out a protocol that allows us to get the  
09:29 23 material, allows the defendants to mark whatever they consider  
09:29 24 to be confidential, subject to some protective order or  
09:29 25 privilege log, and finally, of course, the production of what

09:30 1 we can get.

09:30 2 So we have the telephone conference with the  
09:30 3 Court set up this week. I think this is probably the most  
09:30 4 pressing discovery issue right now on the agenda, so we will  
09:30 5 make every effort to reach out to the FDA. If we cannot move  
09:30 6 that along satisfactorily, we will have to involve the Court in  
09:30 7 that discussion.

09:30 8 **THE COURT:** Yes. The issue is often times presented.  
09:30 9 In the first place, there's some potential privileged documents  
09:30 10 in there, so the defendant has to have input on it and view the  
09:30 11 documents first, but there's also just the bureaucracy  
09:30 12 involved. Occasionally it's helpful, if some difficulty  
09:30 13 arises, that the Court get involved. I will get involved and  
09:30 14 talk with the U.S. attorney here. We will see what the problem  
09:30 15 is and whether I can be of any assistance in dealing with that  
09:30 16 particular problem.

09:31 17 **MR. MEUNIER:** State/federal coordination is next. I  
09:31 18 think Ms. Barrios is here to report.

09:31 19 **MS. BARRIOS:** Dawn Barrios for the state/federal  
09:31 20 committee. I would like to join Mr. Meunier in thanking  
09:31 21 Ashley. She has been a great help to me personally, and I know  
09:31 22 to the whole PSC, on getting information that is necessary to  
09:31 23 move the case forward.

09:31 24 Your Honor, statistically we have the following  
09:31 25 number of cases: In Idaho there's one, in Indiana two,

09:31 1 Missouri two, New Jersey six, and Pennsylvania 283, for a total  
09:31 2 outside the MDL of 294.

09:31 3 **THE COURT:** Where are most of them, Dawn?

09:31 4 **MS. BARRIOS:** Philly. I have a report from Philly  
09:31 5 because they couldn't be here today. They asked me to report  
09:31 6 that the discovery stay has been lifted, that they are waiting  
09:31 7 on discovery responses from the defendants. The defendants are  
09:32 8 producing documents, just as they are in your Court, and the  
09:32 9 plaintiffs are preparing their response to the defendants'  
10 *forum non conveniens* motion.

09:32 11 I would like to also let the Court know of our  
09:32 12 activities. We now have a procedure in place where the  
09:32 13 committee members will contact all the attorneys outside of the  
09:32 14 MDL. We have a provision in place, when a notice of deposition  
09:32 15 comes out, to contact them as well.

09:32 16 I wanted to know if Your Honor would like me to  
09:32 17 communicate with the state court judges just to tell them of  
09:32 18 the status conference and give them the phone number?

09:32 19 **THE COURT:** Yes, I think so, if you would, and then  
09:32 20 give me their numbers, too, so I can talk to them.

09:32 21 **MS. BARRIOS:** It's on that chart I gave to Ashley.  
09:32 22 Thank you, Your Honor.

09:32 23 **THE COURT:** Thank you very much.

09:32 24 **MR. MEUNIER:** The only matter remaining, Your Honor,  
09:32 25 is the next status conference, which for September is

1 September 17.

2 **THE COURT:** September 17 is the next one and  
3 October 21 thereafter.

4 Anything from anyone in the audience that needs  
5 to be talked about?

6 Okay. Thank you very much. I'll see you next  
7 time.

8 **THE DEPUTY CLERK:** All rise.

9 (Proceedings adjourned.)

10 \* \* \*

11 **CERTIFICATE**

12 I, Toni Doyle Tusa, CCR, FCRR, Official Court  
13 Reporter for the United States District Court, Eastern District  
14 of Louisiana, certify that the foregoing is a true and correct  
15 transcript, to the best of my ability and understanding, from  
16 the record of proceedings in the above-entitled matter.

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18  
19 s/ Toni Doyle Tusa  
20 Toni Doyle Tusa, CCR, FCRR  
21 Official Court Reporter  
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25

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<p><b>W</b></p> <p>Wagner [1] 14/10 waiting [1] 19/6 want [5] 8/23 9/23 11/5 14/19 16/3 wanted [1] 19/16 wants [1] 8/22 Warshauer [1] 1/13 was [3] 4/16 5/3 11/13 watch [1] 12/3 way [1] 8/8 we [85] week [1] 18/3 weeks [2] 15/21 15/22 well [2] 8/18 19/15 were [3] 11/13 11/13 14/4 what [14] 5/17 5/17 5/19 7/8 7/13 8/13 9/9 11/15 15/10 15/18 16/11 17/19 17/25 18/14 what's [1] 17/8 whatever [1] 17/23 when [6] 8/25 10/10 12/20 12/24 13/19 19/14 where [3] 13/20 19/3 19/12 whether [6] 9/13 10/11 12/15 13/3 14/19 18/15 which [18] 4/7 4/16 5/3 5/7 5/8 5/9 6/15 12/13 13/16 14/12 14/20 15/1 15/15 16/16 16/25 17/3 17/4 19/25 while [1] 16/4 who [9] 6/1 6/14 8/10 8/22 8/23 9/14 9/24 13/6 14/18 whole [4] 9/25 10/17 16/3 18/22 why [2] 9/18 11/3 will [40] willing [1] 17/14 wish [2] 4/3 15/12 withdrawn [1] 14/13 without [4] 4/22 13/2 14/4 14/13 witnesses [1] 16/19 won't [1] 11/8 wonderful [1] 4/3 Woody [1] 6/18 work [4] 3/24 5/13 8/18 17/22 working [2] 6/13 6/25 works [1] 8/8 world [1] 3/22 would [8] 6/5 7/13 7/23 17/3 18/20 19/11 19/16 19/19</p>	