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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 20-md-02924-ROSENBERG

IN RE: ZANTAC (RANITIDINE) .
PRODUCTS LIABILITY . West Palm Beach, FL
LITIGATION. . April 1, 2022
. .

CASE MANAGEMENT CONFERENCE (partially through Zoom)
BEFORE THE HONORABLE ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE

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1 *THE COURT:* All right. Good afternoon, everyone. You
2 may be seated.

3 We are here for a case management conference in the
4 Zantac MDL, which is 20-mdl-2924. This is a hybrid case
5 management conference. We have a number of people here in the
6 courtroom and we have quite a few people who are appearing on
7 the Zoom platform.

8 I am pleased that we are able to be able to provide
9 easy access for our attendees who can't make it in person, I
10 understand the challenges. I understand a number of our
11 attorneys who were scheduled to be here in person did run into
12 some travel difficulties, and I am sorry about that. To those
13 of you who I know will be appearing by Zoom, I don't want you
14 to feel badly in any way, it is out of your control --

15 *MS. SHOWALTER:* Your Honor, we can't hear you at all
16 over here.

17 *THE COURT:* I am sorry, I am disregarding those of you
18 in the courtroom. There was an audio problem here in the
19 courtroom, I just turned the microphone on. That was my fault.

20 I was just saying that I don't want those who were
21 intending, and you know who you are, to be here in person to
22 feel badly that you weren't able to make it in person. It is
23 always delightful to have counsel here in person. This is the
24 second in person programming that we have had for the MDL. We
25 had Science Day back in December, I think -- was it December we

1 had Science Day? So this is the second occasion in which we
2 are all able to -- some of us are able to meet in person, and
3 that is always a very nice affair as well.

4 So we have a number of topics that we are going to
5 discuss today. Some of the presenters, as I understand it, are
6 here in person, and some are appearing by Zoom, and as the
7 presentation unfolds, you know, I may have some questions and
8 some updates myself from what is happening on the end of the
9 Court.

10 Melanie, for our presenters who will come to the
11 podium, how will our audience on Zoom be able to see them? Is
12 the Zoom camera on them as well?

13 *THE COURTROOM DEPUTY:* Yes.

14 *THE COURT:* All right. Why don't we begin with an
15 update on the Bellwether process. Just for everyone's benefit,
16 one of the more recent orders that the Court entered -- just as
17 a reminder, there are 74 orders now on the Court's website. If
18 you were to go to FLSD U.S. District Court site you would see
19 them all. We always upload all of the pretrial orders, we
20 always have what looks like operative pleadings, transfer
21 orders, transcripts actually once they become final, and the
22 Bellwether selection pretrial orders, Bellwether 69 at Docket
23 Entry 4683, it was entered back on December 19, 2021. There
24 are a number of steps and deadlines that are included in that
25 order.

1 So, today I think I am going to hear from Mr.
2 Maderal, Mr. Pulaski, both of whom are here in person, and Mr.
3 Bayman, who tried to get here in person, and I am sorry to hear
4 of the difficulties. I understand he was -- he will tell me
5 himself -- deplaned after three hours, and Ms. Zousmer, who I
6 don't think was ever necessarily intending on appearing in
7 person, she is here by Zoom as well.

8 Let's have all counsel state their appearance for the
9 record and update the Court and all of our attendees today on
10 what is happening in the Bellwether process.

11 *MR. MADERAL:* Good morning, your Honor, Frank Maderal
12 on behalf of the Plaintiffs. I feel like I have been freed
13 from the matrix, this is the first time not on Zoom.

14 *THE COURT:* It feels good, doesn't it?

15 *MR. MADERAL:* It does.

16 *THE COURT:* We still have the plastic barrier between
17 us.

18 *MR. MADERAL:* It is a big step.

19 *THE COURT:* Yes. Are congratulations in order?

20 *MR. MADERAL:* Yes, I have a five week old third boy,
21 so we have four, two, and five weeks, which is tough, but at
22 some point we are going to have 19, 17 and 15.

23 *THE COURT:* Right. You can talk to Ms. Finken about
24 what it's like to have multiple boys.

25 *MR. MADERAL:* I rejoined the gym because I realize I

1 have to stay strong.

2 *THE COURT:* Mr. Pulaski is here, but you are turning
3 it over to Mr. Maderal?

4 *MR. PULASKI:* Frank will take the lead and I will be
5 here if needed.

6 *THE COURT:* Those on the screen.

7 *MR. BAYMAN:* Good afternoon, your Honor, Andrew Bayman
8 on behalf of Boehringer Ingelheim, and all of the brand
9 Defendants. I am one of the people who was impacted by the
10 weather delays and storms which caused multiple delays in my
11 flight, and ultimately the cancellation of my flight, but I
12 appreciate the Court allowing me to patch in by phone and to
13 participate by Zoom. I am sorry I couldn't be there in person.

14 *THE COURT:* I am sorry for your difficulties. Thanks
15 for regrouping and getting back to your office to make this
16 appearance by Zoom.

17 Ms. Zousmer.

18 *MS. ZOUSMER:* Good afternoon, your Honor, Julia
19 Zousmer also on behalf of the Defendants. Nice to see you
20 today.

21 *THE COURT:* Nice to see you, too.

22 What would you like to share with the Court and all in
23 attendance about how the Bellwether process is going?

24 *MR. MADERAL:* Thank you, your Honor. I am pleased to
25 announce that the process is working well, the parties are

1 making good progress. We have weekly calls, and so we are all
2 feeling very good about it.

3 My portion of the presentation to begin with is sort
4 of the big picture. We have, at last count, about 120 short
5 form complaints on file for the Bellwether process, and I
6 should say that Ms. Zousmer and I were laughing, it's going so
7 well that these numbers may be inaccurate by the time I finish
8 speaking.

9 I would like to also focus on PTO 70, which has been
10 one of the more important aspects of this process. Those are
11 the probate filings and we have 51 cases that were part of that
12 process. Of those 51, 15 have been filed, 13 have been granted
13 an extension per your Honor's PTO 70 process, and so their
14 filing is not yet due. 19 have been replaced per your Honor's
15 PTO 70 process, and of those 19, it is made up of different
16 groups. Some may not be death cases, some of those have been
17 filed. Those are from the 25 that were standing by to be
18 ready.

19 Then there are four recent additions to the PTO 70
20 process that are not yet due, so they have neither been filed
21 or granted an extension, but that is the sum total of the PTO
22 70 basket cases. We think the process is working well, and we
23 are confident that we will get it done for your Honor.

24 That is my portion of the presentation.

25 *THE COURT:* Okay, thank you very much.

1 *MR. BAYMAN:* Good afternoon, your Honor, Andrew Bayman
2 again on behalf of the brand Defendants. Ms. Zousmer will
3 cover some things that have occurred since the last CMC with
4 respect to the Bellwether process. I agree with Mr. Maderal
5 that things have been going along well and we have been meeting
6 and conferring quite frequently and working through the various
7 issues that have been presented. When she is finished, I am
8 going to talk about what lies ahead.

9 *THE COURT:* Okay.

10 *MS. ZOUSMER:* Thank you, your Honor. There are a
11 couple of primary areas to report on today. As Mr. Maderal
12 covered, the PTO 70 process is one of them. Records collection
13 and the eligibility criteria are the two others from our joint
14 perspective.

15 In terms of records collection, as your Honor knows,
16 the initial discovery pool is comprised of 148 Plaintiffs,
17 consisting of 48 Plaintiffs with alleged bladder cancer, and 25
18 each that have alleged either esophageal, liver, pancreatic,
19 and stomach cancer. I am happy to report today that records
20 collection has begun in approximately 132 of those cases.

21 There is a wide variety in how far along the records
22 collection process is in those 132 cases. Most are at the
23 beginning phases, but collection of records for the initial
24 discovery pool cases is at the heart of PTO 69, and it is a
25 good sign that 132 cases have begun the process and it reflects

1 that things are going well and as intended by the Court and the
2 parties in the order.

3 Mr. Maderal discussed the PTO 70 process and the
4 potential replacements that Defendants selected. I won't go
5 back into that in any detail except to say that the potential
6 replacement process that the Court ordered in PTO 70 was very
7 helpful for keeping us on track.

8 The Defendants selected several weeks ago the
9 potential replacements that ultimately were needed to sub in
10 for the PTO 70 cases that were unable to meet the deadline in
11 the Court's order and weren't eligible for an extension.

12 In terms of the eligibility criteria, as your Honor
13 knows, this step was designed to give the parties an
14 opportunity to --

15 *THE COURT:* Somebody needs to mute. Sorry about that.

16 *MS. ZOUSMER:* No problem. In terms of eligibility
17 criteria, as your Honor knows, this step was designed to give
18 the parties an opportunity to remove cases from the pool that
19 both sides agreed would not be good Bellwethers, not designed
20 to give either side an early opportunity to strike cases we
21 don't like from the pool, but rather to vet out the
22 unfathomable -- as Mr. Watts put it I think at a prior
23 conference, these are the absurd type of cases that everyone
24 agrees it does not make sense to try.

25 With that in mind, the parties met and conferred about

1 this as required by PTO 69 and agreed on two vetting criteria
2 to be applied to the pool at this point. The first is that
3 Plaintiffs must be Florida residents, and the second is that
4 the diagnosis with the cancer allegedly caused by Zantac must
5 predate the alleged Zantac use.

6 With respect to the census, we believe we are catching
7 most, if not all of these Plaintiffs as they enter the pool and
8 replacing them preemptively. Regarding the Plaintiffs with
9 cancer diagnoses that predate their alleged Zantac use, our
10 current LMI data indicates there is currently one case that
11 will likely need to be dropped from the pool based on that
12 criterion, but as the records come in, that is something we
13 will be able to confirm.

14 So that brings me to the end of my update. Unless
15 your Honor has any questions, I will turn it over to Mr. Bayman
16 to speak about what is ahead.

17 *THE COURT:* Thank you so much. Mr. Bayman.

18 *MR. BAYMAN:* Thank you, your Honor. The next on the
19 horizon is the CPF Bellwether supplements. There is a rolling
20 deadline that began on February 1st and continues until
21 April 30th. This is the streamlined version of a fact sheet
22 that the parties worked hard jointly to bring on and submit at
23 the end of last year.

24 As of our last update from LMI at the beginning of the
25 week, no Plaintiffs have submitted the CPF Bellwether

1 supplements yet, and while the backlog of submissions may
2 create some backlog in our deficiency review, we expect to
3 start to see them soon, and we will work with the Plaintiffs,
4 as we have all along, to carry out the same process that we
5 have done at other steps under pretrial order 69 to review for
6 deficiencies, to give Plaintiffs an attempt to cure those
7 deficiencies, or if not, to let the process play out.

8 Once the CPF supplements are all in place and the
9 process is done, there still will be some time for some late
10 added Plaintiffs who we believe will be finishing out the
11 process, but for the most part, that will bring us to nearly
12 the end of the pre-Daubert phase under pretrial order 69, and
13 our focus will be on ensuring completion of the next necessary
14 records collection, analyzing any future eligibility issues,
15 and there may be some more beyond those Ms. Zousmer
16 articulated.

17 Our goal is to get the cases ready to go for the
18 cancers, if any survive after your Honor's general causation
19 ruling.

20 *THE COURT:* Thank you. Maybe I can ask Mr. Maderal.
21 I think Mr. Bayman is referring to paragraph 5(a)(2), starting
22 on February 1, 2022, and continuing on a rolling basis until
23 April 30, 2022, each Plaintiff in the initial discovery pool --
24 Ms. Zousmer, you said there were --

25 *MS. ZOUSMER:* 148.

1 *THE COURT:* -- shall serve electronically via LMI a
2 complete CPF Bellwether supplement executed under oath by the
3 Plaintiff.

4 Mr. Bayman was also making reference that if there are
5 any deficiencies, Defendants notify Plaintiffs' leadership
6 counsel within five days of receiving the deficient Bellwether
7 supplement, the CPF, and then Plaintiff has two weeks to
8 correct it. I am understanding from Mr. Bayman that they have
9 not received any CPF Bellwether supplements.

10 What is the status?

11 *MR. MADERAL:* Yes. That is something that Mr. Pulaski
12 would like to address. He is insisting.

13 *THE COURT:* We can't hold him back, then.

14 *MR. PULASKI:* Thank you, Mr. Maderal. Your Honor, to
15 date, everybody on our side is diligently working on the CPF
16 supplements, which are fact sheets, other cases, things like
17 that. The CPF supplement is some 42 pages long, it is not
18 short by any means, and is very detailed.

19 In addition to the fact that we are gathering
20 information from our clients, we are also receiving the medical
21 records, as Ms. Zousmer discussed, from Marker, who is the
22 vendor that we are using on both sides, we are sharing, the
23 medical records to confirm some of the data that our clients
24 are giving us as is related to dates of diagnoses, dates of
25 use, things like that.

1 So, because of the importance of the CPF supplement as
2 it relates to the Bellwether process and our further selection,
3 deselection of cases to get down to a trial case, we are being
4 very diligent and making sure that we have all of the
5 information necessary before they are turned in.

6 As Mr. Bayman stated, you will start seeing those
7 submitted in the near term. I know, for instance, in our
8 office 85 percent of them are mostly complete. We are waiting
9 on some medical records and a nurse review to get some
10 information to back up what our clients have told us to ensure
11 the answers are proper and correct, and there is nothing that
12 is incorrect at all in them.

13 So, my guess is by the end of next week you will start
14 seeing a number of these starting to be filed as we know the
15 deadline is coming up --

16 *THE COURT:* I am sorry, are they filed or are they
17 just given to --

18 *MR. PULASKI:* Submitted.

19 *THE COURT:* -- submitted to the Defense?

20 *MR. PULASKI:* They will be submitted and our deadline
21 is in 30 days. I know that most everybody is more than halfway
22 through the process. They are just not submitted yet because
23 they are not fully complete, fully vetted, and there is kind of
24 a triple review process we have asked everyone to go through,
25 so we are getting there.

1 *THE COURT:* The guess the idea of the rolling basis
2 was, particularly given that fact that they -- you said they
3 were how many pages long?

4 *MR. PULASKI:* They are 42 pages long.

5 *THE COURT:* 42, that it would be hard for the
6 Defendants to get all 148, 49 of them, you know, on one day,
7 and have five days to turn them around for deficiencies. So
8 you all have been talking about that to make sure that it is
9 staged in such --

10 *MR. PULASKI:* We have. Like I said, I think by the
11 end of next week you will see numbers of them start flowing in.
12 In our office, I think we have some of the medical records.
13 Our nurses are already reviewing them and getting back with us
14 to make sure that the information from the medical records does
15 in fact match what our clients have shared with us and vice
16 versa. If they didn't know something and they say please check
17 the medical records for us because we can't remember the date,
18 we are doing that as well.

19 I expect the records will be submitted, the forms,
20 starting next week.

21 *THE COURT:* Okay. It is hard to believe we are
22 already in April, right? So that process, then, will I guess
23 presumably be complete, at least as far as providing the CPFs,
24 by April 30th, and it seems like the extent of the followup
25 would be the five days plus the two weeks, so some 14, plus

1 five -- 19 days following April 30 should bring it to closure
2 as far as Plaintiff having corrected the deficiencies and, of
3 course, then paragraph four in the order explains what happens
4 if the Plaintiff hasn't timely served a non-deficient CPF
5 Bellwether supplement.

6 Ms. Zousmer spoke about the eligibility criteria, that
7 is what you were addressing, referring to paragraph B, B-1, and
8 lastly, the last deadline would be paragraph 2, B-2, that by
9 August 1, the parties will submit to the Court a list of the
10 Plaintiffs in the initial discovery pool whose claims do not
11 satisfy the eligibility criteria.

12 Do you see that as the final step? Because the Court
13 at least decided that as far as post Daubert procedures -- I
14 know the parties had submitted sort of competing proposals and
15 deadlines and I didn't really adopt any post Daubert process or
16 schedule, at least during the stage of the litigation when I
17 entered this PTO on the 19th of November.

18 Do you see that as the last step in the Bellwether
19 selection process under that PTO?

20 *MS. ZOUSMER:* Yes, that's right.

21 *MR. BAYMAN:* Yes, your Honor.

22 *THE COURT:* Everyone feels comfortable? No one is
23 alerting me to any problems. The rolling basis will begin to
24 roll, and we won't have a traffic jam on April 30th?

25 *MR. PULASKI:* It will begin to roll, we are on track.

1 The only thing that holds us up is the receipt of the medical
2 records. We have ordered them, we are waiting for them to come
3 in, and we are getting them reviewed as fast as possible.

4 *THE COURT:* Okay. Was there anything else that
5 anybody wanted to speak about as it relates to the Bellwether
6 process?

7 To be clear, the Court has held off on anything
8 following what is contained in PTO 69 until after the Daubert
9 rulings are issued, and I know that is something that we are
10 going to be talking about. Actually, if we are not, maybe that
11 is a good time for me -- let me mention that because I don't
12 see that as a particular item on the agenda and just for the
13 benefit of those who are with us here today.

14 Again, paragraph six of the Bellwether pretrial order
15 does indicate that the Court declines to adopt a post Daubert
16 process or schedule at this stage of the litigation, and I
17 wanted to wait. In fact, the Court says it anticipates setting
18 a hearing immediately after issuing its last Daubert ruling to
19 discuss with the parties the additional procedure and the
20 schedule that will lead to the beginning of the first personal
21 injury Bellwether trial in this MDL.

22 The parties have represented that they will be ready
23 to commence the first Bellwether trial in the summer of 2023,
24 if not sooner, and the Court is prepared to preside over this
25 trial at the earliest appropriate date.

1 For the benefit of others who don't just sit by and
2 study the PTOs that have been entered in Zantac, PTO 65 is the
3 second amended -- second pretrial order establishing case
4 management schedule, it has many deadlines, it is the second
5 such order entered. We entered one at the beginning of the
6 case that set out some preliminary deadlines this one sets out
7 some later deadlines, but important to the issue of Daubert.

8 For those on the screen, pardon me for looking off to
9 the right, but I have my iPad to the right, and that is where I
10 am pulling up the PTOs.

11 The Daubert motions on general causation are due on
12 June 13, 2022. That is a date that had been extended from the
13 original PTO, it is a date that is set in stone, it is not
14 moving. The parties understand that. In fact, they have
15 agreed to it. I always wanted the lawyers to -- in leadership
16 to buy in and be invested in the deadlines because it makes it
17 a lot easier to hold them accountable for the deadlines.

18 It has to be deadlines that work for the parties in
19 this case, and these are deadlines were represented to the
20 Court as deadlines that work.

21 Expert depositions on general causation are concluded
22 by no later than May 31st, and then the Daubert motions are on
23 June 13th, and August 1st are the oppositions, and August 22nd
24 are the replies.

25 Now, there may be some structure that the parties are

1 going to present to the Court in terms of how the briefing will
2 take place. All of it will be within those deadlines, so
3 nothing will alter those deadlines, but I am amenable to
4 hearing best practices as to what makes the most sense in terms
5 of briefing the Daubert issues, just as I welcomed and took the
6 input of counsel when it related to hearing the multiple
7 Motions to Dismiss in this case.

8 So I look expect to hear from leadership within the
9 next two weeks on what they propose. They may see eye to eye,
10 and if not, they will submit separate proposals, and the Court
11 will try to determine what is in the best interest of the case
12 as to the appropriate schedule -- or structure of this schedule
13 for Daubert.

14 I wanted to importantly say as well, we have
15 discussed -- it is possible it could change because I haven't
16 received the motions yet, so I can only project so much, but
17 for purposes of planning, we have blocked off the week of
18 September 12th for hearings if needed, and I am working on the
19 assumption that they will be needed. I don't know how many,
20 how long, so I have asked leadership to block off, and to let
21 their experts know as well, the week of September 12th,
22 anywhere within that week. The goal would be to conduct any
23 and all hearings that would arise from the submissions of the
24 Daubert motions.

25 So that was a little off topic, but it was something

1 that I wanted to bring up and it seemed to flow nicely where
2 you left off with Bellwether, because you kind of take us up to
3 Daubert. Then we have Daubert and then we will pick up post
4 Daubert should there be any remaining issues post Daubert to
5 talk about what the schedule looks like to actually get to our
6 first Bellwether trial.

7 Of course, other things happen post Daubert and that
8 is all contained as well in PTO 65 that relate to class cert
9 and things of that nature. Anyone is free to look at the PTOs,
10 as I said, on the website. They are pretty easily accessible.

11 Anything further on updates on the Bellwether process?

12 *MR. MADERAL:* Nothing from the Plaintiffs. Thank you,
13 your Honor.

14 *MR. BAYMAN:* Nothing from the Defense, your Honor.
15 Thank you.

16 *THE COURT:* Okay. Thank you so much. Great to see
17 everybody.

18 *MR. BAYMAN:* Thank you again.

19 *THE COURT:* Okay. The next topic is an update on fact
20 discovery extended beyond January 24, 2022 by stipulation, and
21 I think we have in person Ms. Westcot and Mr. McGlamry and Mr.
22 Sachse. Everybody state their appearance for the record.

23 *MS. WESTCOT:* Good afternoon, your Honor, Sarah
24 Westcot for the Plaintiffs. It's nice to be here with you.

25 *MR. McGLAMRY:* Your Honor, Mike McGlamry on behalf of

1 Plaintiffs. Let me preface this, Sarah is going to cover the
2 topics.

3 I think what we are focusing on today is sort of the
4 more robust discovery sort of efforts that are ongoing,
5 otherwise every sort of thing that was in the stipulation we
6 have been dealing with, and she will cover the bulk of that.
7 So, thank you.

8 *THE COURT:* Okay. From Defense.

9 *MR. SACHSE:* Good afternoon, your Honor, Will Sachse
10 for the Defendants.

11 *THE COURT:* Good afternoon. Good to see you. Okay,
12 Ms. Westcot.

13 *MS. WESTCOT:* Pursuant to the parties' February 11th
14 joint stipulation, there were a number of discovery topics for
15 which the original January 24th deadline was extended. I don't
16 want to get into weeds today on each of those topics, but I did
17 want to address a couple of them just to give the Court an
18 update on how things are going.

19 The first is the Patheon discovery. This was
20 discovery contemplated by the joint stipulation related to
21 Defendant Patheon Manufacturing Services LLC. To date, Patheon
22 has produced approximately 57,000 documents. 30(b)(6)
23 depositions are scheduled for April 19th and 20th, and then
24 Plaintiffs intend to depose some additional fact witnesses
25 after that and another round of 30(b)(6) depositions will take

1 place in May.

2 The other update is on the third party retailer
3 discovery. The class Plaintiffs served subpoenas on
4 approximately 15 retailers for the production of sales data.
5 This is for the purpose of calculating damages on a class-wide
6 basis, as well as for the purpose of preserving class lists, to
7 the extent that they exist. So, each of the third party
8 retailers we subpoenaed have agreed to produce their respective
9 sales data as to both prescription and over-the-counter
10 products.

11 They have also agreed to preserve loyalty card data to
12 the extent that it exists. That would be loyalty card
13 membership type programs that these retailers have. They have
14 also agreed to produce a declaration or an affirmation as to
15 the ongoing preservation of that data going forward.

16 As to prescription data and loyalty card data, in the
17 short term that is going to be produced in an anonymized form,
18 not identifying the individual purchasers, and it is going to
19 be produced on a rolling basis. They hope it is going to be
20 completed by the end of May.

21 De-anonymized data is being preserved, it is not going
22 to be produced to the Plaintiffs yet. That will be made
23 available, if the class is certified and a settlement is
24 reached, to be used for the purpose of providing notice to
25 class members or for distribution of settlement funds.

1 As to each of the other discovery issues identified in
2 the February 11 stipulation, the parties are working
3 appropriately, there have not been any hiccups. That is all
4 the data I have for you today.

5 *THE COURT:* I don't have Judge Reinhart here to back
6 that up, so I am going to take that as true. He is attending
7 an investiture in Miami for one of our newest magistrate
8 judges, but I was assured there were no discovery snafus.

9 *MS. WESTCOT:* Yes, everything is running smoothly.

10 *THE COURT:* Good. Mr. Sachse, did you want to add
11 anything?

12 *MR. SACHSE:* I will be brief. I agree.

13 *THE COURT:* Thank you so much. All right. I think we
14 were going to get a brief update, were we not, on tolling?

15 I will remind everyone again for the benefit of those
16 who don't, you know, follow the issuance of PTOs as they come
17 out on a regular basis, but since our January -- since our
18 January CMC, the Court has issued three PTOs, PTO 72, 73, and
19 74, and PTO 72, that was a big, important -- as they all are,
20 but this was particularly important because the registry has
21 been pretty much kind of a core sort of foundation, if you
22 will, or element of this MDL in a new and novel way.

23 Again, as I always try to remember to credit and thank
24 all of the lawyers, and particularly those who have taken the
25 lead on the registry, and Special Master Dodge as well, because

1 it is new and it is difficult, and in some ways we are learning
2 as we go along, and challenges arise and we have to confront
3 them and deal with them.

4 So, PTO 72 was an important order that was requiring
5 finalization of registry information in certain short form
6 complaints. Following up on that, and maybe I will mention
7 that later, we will talk about PTO 73, which had to do with a
8 review of Plaintiffs' leadership structure. I might want to
9 make a special mention of that separately.

10 We had PTO 74, which was an order extending one of the
11 deadlines in paragraph 17 of PTO 72. So 72 and 74 kind of go
12 hand in hand and they are about the registry.

13 We have Mr. Petrosinelli here in person who can speak
14 on whatever topics you think are important to address as it
15 either relates to the PTOs or tolling in particular.

16 *MR. PETROSINELLI:* Good afternoon, your Honor, Joe
17 Petrosinelli here for the Defendants.

18 I was just going to speak to the issue of tolling,
19 which was an agenda item we suggested for the Court, and then
20 perhaps the broader registry update would be the next agenda
21 item.

22 On tolling, I wanted to tell the Court and counsel
23 attending today that you remember under PTO 72, paragraph four,
24 the Court had provided for -- that the parties could enter
25 separate agreements about the tolling provision that was in the

1 original PTO 15, and I wanted to report to the Court the good
2 news that the brand Defendants and the Plaintiffs' leadership
3 have entered into a separate tolling agreement that, in
4 essence, allows the process that is set forth in PTO 72, that
5 is, the finalization of registry information and the filing of
6 short form complaints to sort of take its course without having
7 to worry about the issue of tolling, or termination of tolling.

8 Under that agreement, the brand Defendants have agreed
9 that the tolling for people in the registry with designated
10 cancers would extend at least through the end of your Honor's
11 final rulings on the general causation, Daubert motions, and
12 that the tolling with respect to registry participants who
13 allege a non-designated cancer would extend at least until
14 June 30th, the date by which, under PTO 72, such participants
15 would have to file short form complaints if they were going to
16 file in the MDL.

17 Those are sort of the minimum extensions of the
18 tolling, and there are various scenarios, depending on your
19 Honor's Daubert rulings, where that could be extended further.

20 Your Honor had provided in PTO 72 that the parties
21 could consent to this Court's enforcement of that agreement and
22 we have so consented. So, at the appropriate time we will ask
23 the Court to approve that consent.

24 So I think that -- the benefit of that, again, is to
25 allow the process of PTO 72 to move forward kind of

1 uninterrupted so that we get what I think is really important,
2 which is the finalization of the registry information so that
3 it can become useful to us in other contexts, including some of
4 the contexts we are talking about today.

5 So, that is what I wanted to report, your Honor.

6 *THE COURT:* All right. Thank you so much.

7 And that might dovetail into the next topic, and you
8 are correct, there is a separate agenda item on the update of
9 registry issues, and I know we have Mr. Dearman and Mr.
10 Pulaski, both of whom are here in person, and we have
11 Ms. Showalter, whom we wish was here in person. We know she
12 was intending to be here in person. None of us want her to
13 feel badly that she couldn't appear in person.

14 As with Mr. Bayman, she did everything she could. I
15 understand she was deplaned as well, and maybe in her
16 introduction, when all counsel state their appearance for the
17 record, she can share that which she would like about the
18 trials and tribulations of trying to get her in person, but she
19 is clearly here with us on the screen, so we can begin with
20 Plaintiffs' counsel.

21 *MR. DEARMAN:* I think Ms. Showalter was --

22 *THE COURT:* Just state your name for the record.

23 *MR. DEARMAN:* Mark Dearman on behalf of the
24 Plaintiffs.

25 *THE COURT:* Okay. Let's make sure we can hear you.

1 Faintly.

2 *MS. SHOWALTER:* Is that any better?

3 *THE COURT:* It is much better.

4 *MS. SHOWALTER:* Wonderful. This is Annie Showalter, I
5 represent Pfizer and I am appearing on behalf of the brand
6 Defendants.

7 *THE COURT:* Okay. Are you sharing any trials and
8 tribulations?

9 *MS. SHOWALTER:* I arrived at the airport at 5:00 a.m.
10 this morning for a thrice delayed flight that has still not
11 arrived in West Palm Beach, it is going to land at 4:00 p.m.
12 Luckily, the stewards were gracious enough to let me deplane
13 and attend remotely today.

14 *THE COURT:* I think we all would have agreed to
15 postpone the CMC until 4:00 on a Friday to await your arrival.

16 *MS. SHOWALTER:* I couldn't do that to you all.

17 *THE COURT:* As I said to Mr. Bayman, I do not want
18 anybody ever to stress out over logistics. If plane problems
19 or even Zoom problems arise, I would like to think that I am
20 eminently understanding and empathetic to those things that are
21 outside of your control, and I would hate to ever think that
22 that causes added stress in anyone's life. So, I mean that,
23 and I want you to take that to heart and not give it a moment's
24 thought after what you have already been through.

25 *MS. SHOWALTER:* I really appreciate that, your Honor,

1 thank you.

2 MR. DEARMAN: We do as well.

3 MS. SHOWALTER: As Mr. Dearman said, I think I will
4 kick off our summary on the progress of the registry, and then
5 he can add anything that I have overlooked.

6 So, as of March 14, which was our latest report from
7 LMI, there were approximately 160,000 cases, filed or unified,
8 in the registry, and on March 15, under PTO 72 that we have
9 already discussed a bit, the special master requested from LMI
10 and distributed to lead counsel on both sides an interim report
11 showing which of those cases allege a non-designated cancer.

12 There were 112,000 cases that implicated cancer no
13 longer being pursued in the MDL, and at this point the process
14 that the Court has already described under PTO 72 is
15 proceeding, and that is the finalization of form related
16 certification and the filing of any amended short form
17 complaints.

18 For the Defendants' part, I am happy to report that
19 the registry is continuing to facilitate one of its key
20 purposes, which is ensuring that the appropriate parties have
21 been sued in each of these cases. And today, as it is the
22 first of the month, the brands are going to be submitting a
23 list, pursuant to pretrial order 52, requesting that one or
24 more brands be dismissed from cases where a given Plaintiff's
25 CPF indicates that he or she could not have used the relevant

1 brand's product.

2 There are 747 cases on that list, and that will then
3 trigger Plaintiffs' 21 days to either amend the short form
4 complaints or otherwise respond, providing a basis for refusing
5 to dismiss a given Defendant.

6 Those Defendant mapping efforts are continuing in
7 earnest, your Honor. On May 30th, this was pursuant to
8 pretrial order 72, each of the brands submit additional
9 citizenship and detailed product identification information
10 that will further refine our mapping efforts through LMI, and
11 the brands anticipate submitting additional dismissal requests
12 based on that information.

13 *THE COURT:* Okay. Just so I understand, the 747
14 number -- the 747 number, you said pursuant to PTO 52?

15 *MS. SHOWALTER:* Yes.

16 *THE COURT:* Let me pull that up. Those are instances
17 where the CPF is showing certain Defendants and the short form
18 complaint is showing something different, that is -- let me
19 make sure I understand.

20 *MS. SHOWALTER:* Those are instances, your Honor, where
21 the factual information about usage that has been provided in
22 the CPF does not align with the Defendants remained in the
23 case.

24 *THE COURT:* Okay. So the Defendants will be seeking
25 to file Motions to Dismiss as to 747?

1 *MS. SHOWALTER:* As to some Defendants in those 747
2 cases. I don't believe any of them are being requested to be
3 dismissed in their entirety, I believe it is just one or two
4 Defendants.

5 *THE COURT:* Okay, understood, understood. Thank you.

6 *MS. SHOWALTER:* Yes, of course. I pass the baton to
7 Mr. Dearman if he has anything to add.

8 *MR. DEARMAN:* Thank you, Ms. Showalter. I'll be
9 brief. We agree with the stats, there about 150,000 claims.
10 They have identified 747 of them now. We will promptly review
11 them and either identify why we agree with the Defendants or
12 deal with them otherwise.

13 *THE COURT:* Okay.

14 *MR. DEARMAN:* Briefly, I think this is important, I
15 know it happens any time we can talk about the registry. I
16 know this is near and dear to Mr. Pulaski, but I felt like I
17 had to say something.

18 It has been tremendously helpful. It has been
19 tremendously helpful to the Plaintiffs because it gives us the
20 ability to review the Plaintiffs' claims as a whole, but it has
21 also been helpful to the Defendants and the Plaintiffs and it
22 is a tremendous help to both of us in the Bellwether process.

23 It has allowed us to deal with the randomization and
24 selection process with ease. When we get these updated Census
25 Plus forms particularly, it will allow us to carefully narrow

1 down the cases so that we get to the right number of
2 Bellwethers.

3 *THE COURT:* Good. Thank you for those remarks and I
4 know, as I said earlier, how much time and effort and work the
5 registry has taken and at times I am sure certain people want
6 to just throw up their hands and kind of give up on it, or at
7 least project into the future that maybe if they were to do it
8 again we would tweak it. That is part of the process, you live
9 and learn, and maybe the next MDL can learn from this one and
10 improve upon the registry.

11 I am pleased to hear your words that echo so many
12 others, which is that it has, despite its challenges and
13 requirement of so much time and effort, has reaped rewards for
14 both sides in ways that you had projected, but also in some
15 unanticipated ways. That is heartening for the Court to hear.

16 *MR. DEARMAN:* Thank you, your Honor.

17 *MS. SHOWALTER:* Thank you, your Honor.

18 *THE COURT:* Okay, good to see you.

19 Maybe I will just interject before the -- before one
20 of our last items just because I had loosely referenced it, I
21 wanted to mention one of the other PTOs that the Court had
22 entered, and that is PTO 73.

23 So, many of you may have remembered, and if you
24 didn't, I am reminding you, that when the Court first appointed
25 leadership, I don't know -- does it seem like yesterday or does

1 it seem like ten years ago? I guess it depends on what day of
2 the week you ask somebody, but it was at the inception of the
3 case.

4 One of the provisions that the Court included in the
5 leadership appointments order was a review process whereby it
6 would, on perhaps an annual basis or thereabouts, review
7 Plaintiff and Defense leadership to ensure that the leadership
8 still adequately represented the constituency, had the
9 resources it needed, and could continue to handle the case in
10 the manner best suited to ensure the efficient progress of the
11 MDL, and that review process, at least the initial one, has
12 been underway, although there was no final deadline.

13 So, it is very possible that the Court could hear, for
14 example, from the Defense that it may propose, that is Defense
15 leadership, some alteration of the leadership structure. To
16 date, the Court hasn't heard that from Defense, so to date, the
17 Defense leadership has remained in place from the inception of
18 the Court's order appointing Defense leadership.

19 The Court did hear from Plaintiffs' leadership and I
20 want to commend Plaintiffs' leadership, as I think I did in the
21 PTO 73, for a thorough review process, It was what the Court
22 had envisioned when it included the language in the initial PTO
23 to ensure that all of the other members of leadership had
24 confidence in the coleads, that they were carrying out the role
25 that was envisioned for them.

1 So they took an honest and objective look at
2 themselves by getting feedback from other leadership at lower
3 levels of the leadership structure, and the Court was very
4 confident in that process. It appeared to be a transparent
5 process that was objective and suggested to the Court that
6 things were going well within Plaintiff's leadership, and to
7 that end, Plaintiffs, through their own review process, had
8 proposed certain changes and additions, if you will, to the
9 leadership structure, and all of that is laid out in the PTO.

10 There were certain members who were added to the PSC,
11 and those members include Ashley Keller, Frederick Longer,
12 Francisco Maderal and Steve Rotman. They were all added to the
13 PSC.

14 Then the Plaintiffs colead counsel has recommended to
15 the Court that their five LDC members -- the LDC is another
16 unique feature of this MDL, and by all accounts has been
17 working very, very well on so many fronts, probably most
18 importantly, that they are so invaluable to the quality of work
19 that is being produced in this case, but above and beyond that,
20 the LDC members are getting the benefit of mentorship from very
21 seasoned and experienced lawyers. They are actively
22 participating, they are making their appearances even as
23 recently as today in court in a very, very large, important
24 case. So it is just tremendous.

25 The LDC members, Ms. Boldt, Ms. Jung, Mr. Krause,

1 Ms. Larmond-Harvey, Mr. Lear, they were all elevated within
2 this case from LDC members to the PSC, so I congratulate them,
3 and that was one outcome of the order.

4 In addition, there were a number of new PSC members
5 who were added -- excuse me, new LDC members, Brooke Achua,
6 Harrison Biggs, Lea Bucciero, Alexander Cohen, Marlo Fischer,
7 Kendra Goldhirsch, Noah Heinz, Catelyn McDonough, Caroline
8 McGlamry, Madeline Pendley, Laura Stemkowski, and Daniel
9 Tropin.

10 I congratulate them as well on joining the team and
11 the Court looks to a future time when it is able to convene
12 another occasion in which perhaps some of the new LDC members
13 and perhaps others who the Court has not necessarily had time
14 to interface with, that we can set up something perhaps by Zoom
15 or in person where we will have the benefit of getting to know
16 one another on a more personal basis.

17 Congratulations to all of you, and that is one of the
18 updates on leadership structure since we last met in January.

19 With that, let me turn it over to our final agenda
20 item, which is an update on State, Federal. The Plaintiffs are
21 represented by Mr. Matthews, who is appearing by Zoom, and
22 Ms. Sharpe who is here in person.

23 Let's first let counsel state their appearance for the
24 record.

25 *MR. MATTHEWS:* David Matthews for the Plaintiffs,

1 liaison counsel.

2 *THE COURT:* Good afternoon.

3 *MS. SHARPE:* Good afternoon, your Honor, Paige Sharpe
4 representing Sanofi and appearing today on behalf of the brand
5 Defendants.

6 *THE COURT:* Good afternoon. I will turn it over to
7 counsel for whatever type of presentation you would like to
8 give the Court on the State, Federal.

9 *MS. SHARPE:* I am happy to kick things off. I have to
10 say first though, your Honor, after Mr. Bayman and
11 Ms. Showalter's stories, I am literally knocking wood. My
12 flight has been delayed twice going out tonight, so I am hoping
13 we will all get out okay. If not, I am sure we will have
14 plenty of time to bond this evening at the airport, we will
15 see.

16 As of the last CMC in January, the main activities in
17 the State Court cases are in the California coordinated
18 proceeding and in Madison County, Illinois. In California's
19 CCP, your Honor might recall that we previously reported that
20 Science Day was going to be held there and it was scheduled to
21 be at the end of February. Judge Brillo ended up having a
22 conflict on that date, so he rescheduled Science Day for
23 April 11th, so that will be going forward in a week and a half
24 or so.

25 In the meantime, Plaintiffs discovery in the

1 Bellwether cases has been very active over the past couple of
2 months. Just recently, the parties exercised an additional
3 round of strikes, so we are down to six Bellwether cases there.
4 Then on April 20th, the parties will select the four cases for
5 Bellwether trials. There are two Plaintiff picks and there are
6 two Defense side picks.

7 The briefing on general causation and dispositive
8 motions is still set for September 7th, that is the same
9 deadline that we referred to previously, and as of January, the
10 first trial date still remains on calendar for October 10.

11 That is going to be one of the Plaintiffs' side picks.
12 All of their cases are bladder cancer cases, so we know the
13 first Bellwether case to go to trial in the CCCP will be a
14 bladder cancer case.

15 Turning to Madison County, as your Honor might recall,
16 that is a two Plaintiff case that is pending there before Judge
17 Sara Smith, and in those two cases, the Defendants do not
18 entirely overlap, there are brand Defendants, generic
19 Defendants, and a retailer that are named there.

20 Judge Smith recently decided the Defendants' Motions
21 to Dismiss and denied all of those in part, which means that
22 all of the Defendants remain in the case, and so all are
23 proceeding forward.

24 She also recently granted a motion to sever the trial
25 for the two Plaintiffs. So the first trial in Madison County

1 is set for August 22nd, but only one Plaintiff's claims will be
2 tried then, and that is an esophageal cancer case.

3 The parties are currently discussing a potential date
4 for the second trial, but that is something that the judge is
5 going to have to decide, whether it will take place in 2022 or
6 get pushed back into 2023. She has indicated that she would
7 like it set before June of next year.

8 And then just to touch on a couple of other
9 jurisdictions that are pending in State Court on which we
10 reported previously, discovery is proceeding in both Hamilton
11 County and Shelby County, Tennessee.

12 Plaintiffs have served their expert disclosures in
13 both counties, and that has resulted in the dismissal of
14 several additional cases in those counties. We are down to
15 around 20 in Hamilton County and I believe there are 14 pending
16 in Shelby.

17 *THE COURT:* You said that the disclosure of experts
18 resulted in eliminating certain cases?

19 *MS. SHARPE:* They have decided, just as here, not to
20 pursue several cancer types and so they have agreed to dismiss
21 those Plaintiffs who had those cancers.

22 *THE COURT:* Do the cancers overlap, do you know?

23 *MS. SHARPE:* They overlap in that the Tennessee
24 Plaintiffs are moving forward with the five cancers that are in
25 the MDL, but they are also pursuing four additional cancer

1 types there.

2 *THE COURT:* Okay. And do they have dates set for
3 trials or any other pertinent --

4 *MS. SHARPE:* The scheduling orders in both of the
5 cases run only through each side's expert disclosures. For the
6 Defense side that is the end of April, and early May. I
7 believe it is April 29th in one county and May 2nd in the other
8 county. So we will be going back before the judges in both
9 cases on or around then to talk about the rest of the
10 schedules, but no additional schedule orders have been entered
11 yet.

12 *THE COURT:* Are Daubert motions contemplated?

13 *MS. SHARPE:* Yes, your Honor, they are. Both Judge
14 Stokes and Judge Bennett have expressed a lot of interest in
15 what this Court is doing with respect to Daubert. We are going
16 to be discussing with Plaintiffs and have discussed potential
17 coordinating with this Court on Daubert hearings.

18 I don't know if your Honor is aware, but we have
19 learned that Judge Stokes is not going to be seeking reelection
20 to the bench, so he will be ending his term at the end of
21 August. So we will have a new judge appointed -- or elected in
22 Shelby County, and taking the bench I think in September.

23 *THE COURT:* Okay. All right.

24 *MS. SHARPE:* That brings me to Pennsylvania. We have
25 seen some additional cases filed in Philadelphia in the past

1 few weeks. Mr. Matthews would be familiar with those. Those
2 are cases that he has filed. I believe we are now between 15
3 and 20 cases in the PCCP. They are assigned to two different
4 judges at this point for discovery and pretrial purposes, and
5 schedules have been set in three of the cases. This was
6 something we reported in January, that is not new, but in those
7 schedules trials would not begin until the fall of 2023, so not
8 for some time.

9 *THE COURT:* Okay.

10 *MS. SHARPE:* Other than that, there remain cases
11 pending in different State Court jurisdictions around the
12 country, New York, Maryland, New Mexico. We have a handful now
13 in Florida State Court, those are still in sort of, you know,
14 more preliminary stages, so we don't have a major update to
15 report on those, but we will be providing your Honor with an
16 updated chart once again after the CMC today so you have the
17 latest in those other State Court jurisdictions.

18 *THE COURT:* Okay, good. I was going to ask for that.
19 I always like to get that updated chart. It will reflect not
20 only new cases, but kind of the update on what you have
21 reported out on some of the other cases, like Madison County
22 and -- I can't remember whether the last chart had the trial
23 dates and Science Day, the JCCP, and kind of what is left in
24 Hamilton and Shelby. You will do all of that?

25 *MS. SHARPE:* Yes, your Honor.

1 *THE COURT:* Good. That is very helpful. Was there
2 anything else on your end?

3 *MS. SHARPE:* No, your Honor.

4 *THE COURT:* Mr. Matthews, did you want to add to that?

5 *MR. MATTHEWS:* Yes, David Matthews for the Plaintiffs
6 as liaison counsel, your Honor.

7 I have reached out to all of the Plaintiff lawyers in
8 State Courts that I could communicate with in California,
9 Nevada, Tennessee, Pennsylvania, New York, and Illinois.

10 We discussed pretty much across the board all the
11 issues that are taking place currently, the remand motions,
12 Motions to Dismiss, discovery issues, if any, innovator
13 liability, CMCs, trial settings, and all court deadlines. I
14 don't want to repeat what was just said because I think it was
15 quite thorough.

16 There are trial settings currently in Illinois and, of
17 course, California that were discussed, and if anyone within
18 this group of attorneys has any questions, either Plaintiff
19 lawyer or Defense lawyer, feel free to reach out to me to
20 discuss and have regular communications with the attorneys that
21 are handling these cases.

22 I have offered to discuss any particular issues with
23 this Court from any of the other Courts around the country,
24 State Court. I have not heard of any issues to discuss at this
25 time that need, I guess, intervention or discussion with your

1 Honor. So, that is pretty much the entirety of it, again, not
2 to repeat what has been already said.

3 I do believe in Tennessee there are nine different
4 cancers being pursued. I heard five. I am sorry, I can't
5 quite hear everything --

6 *THE COURT:* It must be difficult. Counsel said it was
7 the five cancers that are pursued here, but also four
8 additional in Tennessee.

9 *MR. MATTHEWS:* That is correct, that is absolutely
10 correct. We are in agreement on that as well.

11 *THE COURT:* Okay. Is there anything that either
12 counsel -- I assume you would bring to my attention if you
13 thought there was something that -- through your research and
14 investigation and reporting on what is happening around the
15 country, if there was anything that you felt this Court should
16 do to ensure coordination, whatever -- that may mean something
17 different to everybody, whether it is education or
18 coordination.

19 Have you heard or learned or just from your own
20 experiences concluded that there is anything affirmatively or
21 proactively that this Court can or should do in furtherance of
22 ensuring coordination and education for the benefit of the
23 parties, counsel, and efficiencies?

24 *MR. MATTHEWS:* I have -- your Honor, David Matthews
25 again.

1 I have consistently asked, and in the regular contacts
2 I have I always offer if there is anything that needs to be
3 discussed. I would be a person currently that would be the
4 person to bring it up, and I have not had anyone that has had
5 disputes. I think everyone has really been very open to
6 participation with discovery, not trying to duplicate efforts,
7 trying to be as efficient as possible. That is what I am
8 seeing.

9 I am not hearing anything, and if I did, I would
10 certainly bring it to your attention.

11 *THE COURT:* All right. Thank you, Mr. Matthews.

12 *MS. SHARPE:* Your Honor, from our perspective, I would
13 reiterate what we spoke with your Honor about before, but I
14 think your outreach to the judges is very beneficial. They
15 comment to us when we are before them that they appreciate that
16 as well. I think it is helpful for them to hear from you.

17 As we have these new jurisdictions coming on line, we
18 will provide you with updates. I think that benefits everyone
19 to have those contacts. I agree with what Mr. Matthews said.
20 I think the parties have been operating in the discovery front
21 pretty cooperatively in the State Court cases, and it has been
22 very helpful to have the MDL sort of set the tone and lead the
23 way there.

24 Again, I do think your outreach is helpful, and we
25 appreciate you doing that.

1 *THE COURT:* Maybe what I will do is I'll use the
2 occasion -- I don't want to be like a pain and call too much.
3 I can't remember the last set of calls I made. Maybe I will
4 use the occasion -- I think it has been awhile. I know I
5 invited everybody to Science Day and some joined and others
6 didn't or couldn't. So I know I was in touch with them as
7 recently as Science Day in December.

8 Maybe I will use the occasion when I receive your
9 updated chart -- which I know always has the name of the judge,
10 the phone number and the email, and I have compiled my own
11 email list of all of the other judges -- to reach out and
12 update them.

13 Probably the next thing I would report which could be
14 of interest to some, if not all, would be the Daubert schedule
15 and the projected date for the Daubert hearings to the extent
16 that is of interest to them, and available to answer any
17 questions they have. I know they have been appreciative when I
18 have called and reached them.

19 *MS. SHARPE:* That is great, thank you, your Honor.

20 *MR. MATTHEWS:* Thank you, your Honor.

21 *THE COURT:* Thank you. Okay. Any other topics that I
22 didn't cover that anybody felt important to raise?

23 *MR. McGLAMRY:* None from the Plaintiffs, your Honor.

24 *MR. PETROSINELLI:* None from the Defendants, your
25 Honor.

1 *THE COURT:* Again, I just want to say how pleased I am
2 to see everybody here in person, and equally pleased to see
3 those of you who presented by Zoom. I thank you for your time
4 and your hard work on this case, and in particular, in
5 preparing for these important case management conferences. I
6 have discussed this with the coleads and while they may know
7 much, if not all, of what we report out in the case management
8 conferences, it is rare, if has even ever happened, that
9 anybody is caught off guard. In fact, I don't promote that.

10 That is why I have coleads coordinate before the case
11 management conferences to share their views about what should
12 be on the agenda. I don't want anyone to ever be unfairly
13 surprised. So they kind of know the routine and these case
14 management conferences aren't intended to argue positions. We
15 have other occasions where motions are argued and advocacy is
16 at its best, and there is a time and place for that.

17 I have encouraged counsel, and I know they have been
18 doing it and will continue to do it, to include as many people
19 as possible on the leadership team and otherwise to make
20 presentations at the case management conference, if for no
21 other reason than just to have that opportunity to present to
22 the Court. I know that sometimes those opportunities don't
23 come along often in Federal Court, so these case management
24 conferences are a perfect opportunity, and I want to applaud
25 counsel for already engaging on that path, but would encourage

1 you to continue doing so.

2 I look forward to meeting with the new LDC members and
3 getting to know you. So again, congratulations.

4 We haven't set our next case management conference
5 yet. In speaking with coleads, we all recognize it is a really
6 busy next few -- before I get to that, my larger point about
7 case management conferences is, even though leadership pretty
8 much knows what we are going to talk about, today there are
9 about 127 of you, on other days there have been close to 200.

10 As I think I have said on many occasions, if not every
11 occasion, the Court believes in utmost transparency and that
12 anybody pretty much off the street, let alone somebody who is
13 involved in this case, but not part of the leadership team,
14 should always know what is going on in this case, or should
15 feel that he or she has a means by which to contact appropriate
16 counsel to find out what is going on in the case, whether it is
17 the pro se's, whether it is represented parties, either through
18 learning on the Court's website, coming to these case
19 management conferences.

20 So, even though sometimes it may seem proforma, I
21 don't know, I want everyone to understand that it is not
22 proforma. These are really important opportunities for the
23 Court to be able to hear firsthand from the lawyers what is
24 happening on a day-to-day basis, and also importantly, for
25 those of you who are not part of leadership to know what is

1 happening and how you can get more information if you need more
2 information about the case.

3 So, that is what I wanted to reiterate about case
4 management conferences. I have not set another one yet. We
5 know that we are going to be convening, as I said, the goal
6 right now is that week in September. September 12th is the
7 projected date for Daubert hearings, but we anticipate we will
8 be meeting at least once before then, maybe by Zoom just
9 because with summer months and all of the -- well, conclusion
10 of expert depositions by the end of May, and I am sure
11 intensive work on behalf of everyone as relates to the Daubert
12 motions, the CMS's are never intended to interrupt. They are
13 not intended to be disruptive.

14 I will use my best judgment as to whether it should be
15 in person or not, but as soon as the Court has set a new date
16 it will be done by order and will be on the website as well.

17 With that, we will conclude our case management
18 conference for today. I wish everyone well, and have a nice
19 weekend, safe travels, and I hope everyone makes it back home
20 on time and safely. Thank you.

21 MR. GILBERT: Thank you, Judge.

22 MR. McGLAMRY: Thank you, your Honor.

23 *(Thereupon, the hearing was concluded.)*

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I certify that the foregoing is a correct transcript
from the record of proceedings in the above matter.

Date: April 2, 2022

/s/ Pauline A. Stipes, Official Federal Reporter

Signature of Court Reporter

<p>MR. BAYMAN: [6] 6/6 7/25 10/17 15/20 19/13 19/17</p> <p>MR. DEARMAN: [6] 25/20 25/22 27/1 29/7 29/13 30/15</p> <p>MR. GILBERT: [1] 45/20</p> <p>MR. MADERAL: [8] 5/10 5/14 5/17 5/19 5/24 6/23 12/10 19/11</p> <p>MR. MATTHEWS: [5] 33/24 39/4 40/8 40/23 42/19</p> <p>MR. McGLAMRY: [3] 19/24 42/22 45/21</p> <p>MR. PETROSINELLI: [2] 23/15 42/23</p> <p>MR. PULASKI: [7] 6/3 12/13 13/17 13/19 14/3 14/9 15/24</p> <p>MR. SACHSE: [2] 20/8 22/11</p> <p>MS. SHARPE: [12] 34/2 34/8 36/18 36/22 37/3 37/12 37/23 38/9 38/24 39/2 41/11 42/18</p> <p>MS. SHOWALTER: [12] 3/14 26/1 26/3 26/8 26/15 26/24 27/2 28/14 28/19 28/25 29/5 30/16</p> <p>MS. WESTCOT: [3] 19/22 20/12 22/8</p> <p>MS. ZOUSER: [5] 6/17 8/9 9/15 11/24 15/19</p> <p>THE COURT: [63]</p> <p>THE COURTROOM DEPUTY: [1] 4/12</p>	<p>20 [2] 36/15 38/3</p> <p>20-md-02924-ROSENBERG [1] 1/3</p> <p>20-md1-2924 [1] 3/4</p> <p>200 [1] 44/9</p> <p>20001 [1] 2/9</p> <p>20005 [1] 2/16</p> <p>202-434-5567 [1] 2/16</p> <p>202-942-5000 [1] 2/10</p> <p>2021 [1] 4/23</p> <p>2022 [6] 1/5 11/22 11/23 17/12 19/20 36/5</p> <p>2023 [3] 16/23 36/6 38/7</p> <p>20th [2] 20/23 35/4</p> <p>21 [1] 28/3</p> <p>215-994-4000 [1] 2/7</p> <p>22nd [2] 17/23 36/1</p> <p>24 [1] 19/20</p> <p>24th [1] 20/15</p> <p>25 [2] 7/17 8/17</p> <p>255 [1] 1/19</p> <p>2905 [1] 2/21</p> <p>2924 [1] 3/4</p> <p>2925 [1] 1/13</p> <p>2929 [1] 2/6</p> <p>29th [1] 37/7</p> <p>2nd [1] 37/7</p>	<p>5567 [1] 2/16</p> <p>561-750-3000 [1] 1/24</p> <p>561-803-3434 [1] 2/25</p> <p>57,000 [1] 20/22</p> <p>5:00 [1] 26/9</p>
<p>/</p> <p>/s [1] 46/5</p>	<p>3</p> <p>30 [5] 11/23 13/21 15/1 20/22 20/25</p> <p>300 [1] 1/16</p> <p>3000 [1] 1/24</p> <p>30309 [1] 2/12</p> <p>30326 [1] 1/17</p> <p>305-330-5512 [1] 2/3</p> <p>305-476-7400 [1] 1/20</p> <p>30th [5] 10/21 14/24 15/24 24/14 28/7</p> <p>312-995-6333 [1] 2/19</p> <p>31st [1] 17/22</p> <p>33131 [1] 2/3</p> <p>33134 [1] 1/20</p> <p>33432 [1] 1/23</p> <p>3391 [1] 1/16</p> <p>3434 [1] 2/25</p> <p>353 [1] 2/18</p>	<p>6</p> <p>601 [1] 2/9</p> <p>60654 [1] 2/19</p> <p>6333 [1] 2/19</p> <p>65 [2] 17/2 19/8</p> <p>69 [6] 4/22 8/24 10/1 11/5 11/12 16/8</p>
<p>1</p> <p>10 [1] 35/10</p> <p>11 [1] 22/2</p> <p>112,000 [1] 27/12</p> <p>1180 [1] 2/12</p> <p>11th [2] 20/13 34/23</p> <p>120 [2] 1/22 7/4</p> <p>127 [1] 44/9</p> <p>12th [5] 2/15 2/18 18/18 18/21 45/6</p> <p>13 [2] 7/12 17/12</p> <p>132 [3] 8/20 8/22 8/25</p> <p>13th [1] 17/23</p> <p>14 [3] 14/25 27/6 36/15</p> <p>1420 [1] 2/2</p> <p>148 [3] 8/16 11/25 14/6</p> <p>15 [6] 5/22 7/12 21/4 24/1 27/8 38/2</p> <p>150,000 [1] 29/9</p> <p>160,000 [1] 27/7</p> <p>1600 [1] 2/12</p> <p>17 [2] 5/22 23/11</p> <p>1725 [1] 1/13</p> <p>19 [5] 4/23 5/22 7/14 7/15 15/1</p> <p>19104 [1] 2/6</p> <p>19th [2] 15/17 20/23</p> <p>1st [2] 10/20 17/23</p>	<p>4</p> <p>4000 [1] 2/7</p> <p>404-523-7706 [1] 1/17</p> <p>404-572-4600 [1] 2/13</p> <p>42 [3] 12/17 14/4 14/5</p> <p>4555 [1] 1/14</p> <p>4600 [1] 2/13</p> <p>4683 [1] 4/23</p> <p>48 [1] 8/17</p> <p>49 [1] 14/6</p> <p>4:00 [1] 26/15</p> <p>4:00 p.m [1] 26/11</p>	<p>7</p> <p>70 [9] 7/9 7/13 7/15 7/19 7/22 8/12 9/3 9/6 9/10</p> <p>701 [1] 2/2</p> <p>713-522-5250 [1] 2/22</p> <p>713-664-4555 [1] 1/14</p> <p>72 [13] 22/18 22/19 23/4 23/11 23/11 23/23 24/4 24/14 24/20 24/25 27/8 27/14 28/8</p> <p>725 [1] 2/15</p> <p>73 [4] 22/18 23/7 30/22 31/21</p> <p>74 [4] 4/17 22/19 23/10 23/11</p> <p>7400 [1] 1/20</p> <p>747 [6] 28/2 28/13 28/14 28/25 29/1 29/10</p> <p>7706 [1] 1/17</p> <p>77098 [2] 1/13 2/22</p> <p>7th [1] 35/8</p>
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42/17</p> <p>appropriate [5] 16/25 18/12 24/22 27/20 44/15</p> <p>appropriately [1] 22/3</p> <p>approve [1] 24/23</p> <p>approximately [4] 8/20 20/22 21/4 27/7</p> <p>April [13] 1/5 10/21 11/23 14/22 14/24 15/1 15/24 20/23 34/23 35/4 37/6 37/7 46/4</p> <p>April 11th [1] 34/23</p> <p>April 20th [1] 35/4</p> <p>April 29th [1] 37/7</p> <p>April 30 [2] 11/23 15/1</p> <p>April 30th [2] 10/21 14/24</p> <p>Arch [1] 2/6</p> <p>are [131]</p> <p>areas [1] 8/11</p> <p>aren't [1] 43/14</p>	<p>argue [1] 43/14</p> <p>argued [1] 43/15</p> <p>arise [3] 18/23 23/2 26/19</p> <p>Arnold [1] 2/8</p> <p>around [6] 14/7 36/15 37/9 38/11 39/23 40/14</p> <p>arrival [1] 26/15</p> <p>arrived [2] 26/9 26/11</p> <p>articulated [1] 11/16</p> <p>as [92]</p> <p>Ashley [1] 32/11</p> <p>ask [4] 11/20 24/22 31/2 38/18</p> <p>asked [3] 13/24 18/20 41/1</p> <p>aspects [1] 7/10</p> <p>assigned [1] 38/3</p> <p>Associates [1] 2/21</p> <p>assume [1] 40/12</p> <p>assumption [1] 18/19</p> <p>assured [1] 22/8</p> <p>Atlanta [2] 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<p>B</p> <p>been... 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