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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

To: All Counsel of Record  
Issued By: Judge Rebecca F. Doherty  
Re: In re: ACTOS® (Pioglitazone Products Liability Litigation)  
MDL No. 11-md-2299, All Cases  
Date: April 13, 2012

**MINUTE ENTRY:**  
**STATUS CONFERENCES**

The Court has scheduled monthly status conferences in this matter. The dates have been posted on the Actos® MDL website, <http://www.lawd.uscourts.gov/MDL2299/index.html>. In an abundance of caution, the Court has set aside two days for most of the monthly status conferences, where time was available. Counsel should be aware, however, that the Court does not expect status conferences, as a general matter, to last longer than one day. The Court anticipates that, for the most part, the second day will be used by working groups who are asked to accomplish specific tasks assigned by either the Court, the Special Masters, or lead counsel. The term “status conference,” is intended to refer to the time in Open Court used to accomplish the tasks, or address issues, identified on an agenda issued by this Court.

*All counsel are advised to review the following carefully, as it contains deadlines and other important information concerning monthly status conferences.*

**I. Status Conference Agendas**

Any counsel or party wishing to place a matter or an issue onto the agenda for the Court’s consideration is permitted to do so. In order to place a matter onto the agenda of a status conference, counsel or a party should contact the Plaintiffs’ Steering Committee (through the specific member to whom the oversight of your case has been assigned, or through liaison counsel, Mr. Morrow), identify the issue, and request that it be added to the agenda. This request should be made *no less than ten (10) calendar days prior to the status conference*. Lead counsel are responsible for coordinating all such requests and for presenting them to the Court. Counsel whose agenda item will be heard in Open Court must attend in person at the status conference during which their agenda item will be heard.

With regard to the April 19, 2012 status conference, lead counsel are requested to submit a list of issues to be added to the agenda by *1:00 p.m. on Monday, April 16, 2012*. Submissions

should be made to the Special Masters. Counsel should get any requests or suggestions to lead counsel as to the agenda, such that lead counsel can comply with the deadline noted.

With regard to the May 24, 2012 status conference and every conference thereafter, lead counsel are requested to submit a list of issues to be added to the agenda by the end of business *seven (7) calendar days prior to the first day of the status conference*. Submissions should be made to the Special Masters. Again, counsel must get their request or suggestions to lead counsel such that lead counsel can comply with the deadline noted.

Once the Court has considered all requests, together with the recommendations of the Special Masters, an agenda will be issued, will be noticed to all counsel, and will be posted on the website. Along with the agenda, the Court will issue a minute entry requesting lead counsel to identify the individuals who will be responsible for addressing the agenda items at the status conference. Those individuals, together with plaintiffs' and defendants' lead counsel(s) and plaintiffs' liaison counsel, will constitute the working group for a particular status conference. Because the agenda will vary from month to month, the Court anticipates the membership of the working group will vary accordingly, although it will always include lead counsel for plaintiffs, defendants, and plaintiffs' liaison counsel.

## **II. Status Conference Schedule**

The schedule for the status conferences will be as follows:

- 9:00 – the Court will meet with the Special Masters in Chambers
- 9:15 – the Court will meet in Chambers with the Special Masters and the working group
- 10:30 – the status conference will begin in Open Court, Courtroom 2

The Court usually breaks for lunch from 12:30 to 1:45. Afternoon sessions are expected to end by 6:00 p.m. unless additional time is essential. The status conference will continue on the second day *only if necessary to complete the agenda*. No counsel are required to remain after the status conference has adjourned (whether adjournment occurs on the first day of the status conference, or on the following day) unless notified otherwise by the Court, the Special Masters, or lead counsel.

## **III. Length of Conferences**

With regard to the monthly status conferences, the Court generally has set aside two days (although there are a few exceptions to this rule, as reflected on the website). It is the Court's intention and expectation that, where two days have been allocated, the status conference will begin in the morning of the first day and finish on the same day. When that happens, counsel who have not been asked to remain will be free to leave. However, counsel should be aware that, when a full agenda has been set for the status conference and the agenda cannot be completed in one day, the status conference will continue to the second scheduled day.

#### **IV. In Person or by Telephone**

With regard to participation in status conferences, counsel should be aware of the following. Lead counsel(s) for plaintiffs and defendants, and plaintiffs' liaison counsel, are expected to attend the monthly status conferences in person. Furthermore, counsel who are expected to address an issue on the agenda (whether by choice or because they have been appointed by lead counsel to do so) must appear in person at the status conference during which the agenda item has been scheduled for hearing. All other counsel may attend any monthly status conference by telephone (instructions for how to participate by telephone may be found on the website, News and Notes page), except to the extent the Court orders otherwise, or to the extent the Special Masters or lead counsel request that one or more individuals attend and participate in person. Members of the PSC are expected to attend the monthly status conference, either in person or by telephone, in accordance with the foregoing instructions.

#### **V. Excused Absences**

Anyone expected, ordered, or otherwise required to attend a monthly status conference who wishes to be excused from that expectation, requirement, or order (this applies whether counsel is expected to attend in person or by telephone) must contact Special Master Russo and seek leave not to attend and must identify the person or persons who will attend in his or her stead. Substitution cannot be made without prior approval of the Court having been obtained via Special Master Russo.