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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re:) Civil 05-MD-1708 (DWF/AJB)
)
GUIDANT CORPORATION) STATUS CONFERENCE
IMPLANTABLE DEFIBRILLATOR)
PRODUCTS LIABILITY)
LITIGATION,)
)

)
) This Document Relates)
) To All Actions) 9:15 o'clock, a.m.
) February 21, 2007
) St. Paul, Minnesota

THE HONORABLE JUDGE DONOVAN W. FRANK
UNITED STATES DISTRICT COURT JUDGES
STATUS CONFERENCE PROCEEDING

* * *

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1 (In open court.)

2 THE COURT: You may be seated. Thank you.
3 You know, Lowell Lindquist, it is his birthday today and
4 he won't acknowledge which birthday it is, but --

5 THE CLERK: It's sixty years old.

6 THE COURT: For those of you that are as old
7 as some of us, he got this card from his family. And he
8 thought we should do this instead of all rise in the
9 future (music played from a greeting card). "Bad to the
10 bone." (Laughter.)

11 And believe me, we have had some hearings
12 recently where that might be entirely appropriate. And
13 there were some people bad to the bone, but I won't
14 specify who they were.

15 So, on a serious note, despite Lowell's
16 birthday, and my judicial assistant is gone on vacation
17 on her first cruise of her life, so we are trying to
18 struggle away back there and run the chambers.

19 We can proceed with the agenda. The next two
20 meetings are set, the 4th and the 25th of April, I
21 believe. And there's some motions scheduled between now
22 and then. For example, in early March, there may be
23 some -- not modifications of date, but I think there is
24 one motion set for -- is it March 6th?

25 MR. ZIMMERMAN: 6th.

1 THE COURT: That I may move to 8:00 in the
2 morning. I think it is set later in the morning, if
3 that would be agreeable. But, we will discuss that
4 between now and then and get it -- roll it up on the
5 website. That way I have a reason to do it to talk to
6 Judge Boylan and to get more out of the day that day
7 with some other issues related to the MDL.

8 So, with that, we can proceed with the --
9 yes, Mr. Price?

10 MR. PRICE: All in St. Paul, as I believe?

11 THE COURT: Yes, right now they are scheduled
12 in St. Paul. I know that is not entirely popular.
13 There is one reason to do it, apart from kind of the
14 cramped quarters; and that is, of course, not
15 necessarily at each meeting, but oftentimes, then, you
16 head for Ramsey County with Judge Leary.

17 We have tried to coordinate some of those
18 days. But, if there be a change -- right now the trials
19 are all set to be in Minneapolis that are set when we
20 start rolling them out in July. And those are set for
21 Minneapolis. And probably much of the pretrial activity
22 may be here, unless we note otherwise. And we will
23 certainly agree on that. But, I think we have agreed
24 that each trial each month may not be tried in the same
25 courtroom, but they will all be tried in the Federal

1 Courthouse in Minneapolis. But, we will do our best to
2 minimize the delay, getting them up on the website, any
3 changes in the schedule.

4 We can proceed with the agenda. I just
5 assume, whether it is from Plaintiffs' side of the aisle
6 or Defendant's, that if there are individuals you wish
7 to introduce, or even though we get together on a
8 regular basis, that people won't be bashful about doing
9 that. So --

10 MR. ZIMMERMAN: Thank you, Your Honor.
11 Charles Zimmerman for the Lead Counsel and the PSC.

12 We have filed with Your Honor a joint agenda
13 for the status conference February 21, 2007. And we
14 also just completed an in-chambers Lead Counsel
15 preliminary conference with Your Honor.

16 And we will start by going through the
17 agenda, and then the issues that come up that we need to
18 discuss before Your Honor that might be buried within
19 the agenda, but maybe not fully disclosed as items
20 within the agenda, we will raise.

21 But, as a preliminary matter, there is
22 nothing before Your Honor today that we are going to
23 actually argue. There are no motions to argue today.
24 It is a real status conference in the real true sense of
25 the word status.

1 THE COURT: And I should note, and maybe it
2 is on no one's mind but mine, if somebody was looking at
3 the kiosk as they came into the building and saw a case
4 for motion this afternoon with one of the parties as
5 Guidant, it is unrelated to the MDL, entirely.

6 I had that question asked earlier in the
7 week. Well, there is a, quote, "Guidant" motion or
8 motions on in the p.m.. It is unrelated to the MDL,
9 entirely, so --

10 MR. ZIMMERMAN: Just as a matter of
11 information, Your Honor, the trial team from both sides
12 met and conferred yesterday at two o'clock for a few
13 hours to resolve or attempt to resolve matters having to
14 do with the upcoming trials that are set for the middle
15 of July.

16 We have issues that we want to discuss with
17 Your Honor. And Your Honor has agreed to meet with us
18 immediately following this conference with the
19 respective trial teams to work out trial issues like
20 questionnaires and voir dices and chess clock and timing
21 and things like that.

22 So, we are not going to go into that, Your
23 Honor, today in this status before you now, we are going
24 to deal with that in chambers to see if we can come up
25 with agreement. If we can't get agreement, I trust the

1 Court will give us direction and we will move forward
2 with that and we will communicate those parameters once
3 they are set. At this point, they are in meet and
4 confer and discussion.

5 THE COURT: And I might just observe that
6 just because it is an MDL, if there are lawyers or
7 parties who are saying: Well, with or without the meet
8 and confer and talking about trial administration issues
9 and the order of things and the policy of the Court, how
10 will we know how it is going to be handled?

11 Well, at some point, sooner rather than
12 later, there will be a Pretrial Order like we do in
13 all -- most of us do in this District in all civil
14 cases. And we will roll something out when it is
15 appropriate to do so, whether it is by Court decision or
16 agreement or a combination of the two, that will be
17 rolled out in the form of an order. And it will be
18 placed on the web. So, there won't be any mystery to
19 how the trials are going to be conducted and the rules
20 of engagement. So --

21 MR. ZIMMERMAN: Thank you, Your Honor. And
22 we also direct everybody to Pretrial 25 and the
23 amendment to 25, which is currently the structure or,
24 excuse me, the deadlines for certain matters having to
25 do with the trials. And that is the current order of

1 the Court.

2 THE COURT: I don't know, have I rolled
3 that -- I don't believe we have got the most recent
4 change out on the web.

5 MR. ZIMMERMAN: I did get it off ECF.

6 THE COURT: Oh, you did.

7 MR. ZIMMERMAN: Yes, it was entered and
8 filed.

9 THE COURT: I actually was thinking if we got
10 it on the website, yet.

11 MR. ZIMMERMAN: I don't know about the
12 website, but we got it off ECF.

13 THE COURT: Anyone in the room, whether you
14 are here on your own behalf or someone else's, well, we
15 haven't read the order yet, but I wonder if the Judge
16 has changed with or without agreement, the schedule.
17 The answer is no.

18 What won't be apparent, unless you sat back
19 and read through it, really, what was driving some of
20 the, what I will call, minor amendments is leaving ample
21 time for any decisions that weren't made off the bench,
22 so that they wouldn't interfere with the existing trial
23 schedule. That is really what drove it. And I think it
24 would be accurate to say we all agreed to the changes,
25 so --

1 MR. ZIMMERMAN: So, without further, Your
2 Honor, we will go to number one on the agenda which is
3 the status of cases filed in Federal Court and
4 transferred into the MDL.

5 Normally Mr. Pratt gives this as he has the
6 most up-to-date statistics. And then we will comment
7 after he gives us the statistics if we have other
8 comments.

9 MR. PRATT: Good morning, Your Honor, Tim
10 Pratt for Guidant. There are currently a total of 1,230
11 cases pending against Guidant in the United States.

12 MR. ZIMMERMAN: Did you say, 1,230?

13 MR. PRATT: Yes, sir. The number of cases in
14 Federal Court is 1,145. The number of cases in State
15 Court is 85. That brings us to the total of 1,230
16 cases.

17 Of the Federal Court cases filed, there are
18 1,102 already here, transferred or filed directly.
19 There are 43 pending MDL transfers before the judicial
20 panel. That is where we stand.

21 THE COURT: All right.

22 MR. ZIMMERMAN: We really have no comment on
23 that, Your Honor, other than we recognize that these
24 numbers are increasing. And we know there are other
25 cases in inventory out there, but this is what is filed

1 before Your Honor, and this is the mix between State and
2 Federal Court.

3 MR. BECNEL: Bucky, I filed 37 cases this
4 morning. The Court is working on them.

5 THE COURT: Keep those cards and letters
6 coming in, I guess, is what we say.

7 MR. BECNEL: By the way, Your Honor, I would
8 like just to reserve, based on your recent ruling about
9 having filed them individually -- I would like to
10 reserve -- I am not asking for an interlocutory appeal
11 on that particular order, but we have two converging
12 orders.

13 THE COURT: I don't know that the effect of
14 my Order is to require individual -- I think I was
15 whining in the Order, if we started at the beginning, I
16 might have done that. But, I don't believe that the
17 effect of the Order that I have is to require these to
18 be individually filed. We will take that up --

19 MR. BECNEL: I filed all of these
20 individually, because Medtronics is a little bit
21 different.

22 THE COURT: That is true.

23 MR. BECNEL: I want to reserve my objection
24 in case it applies. I wish I would have saved myself a
25 whole bunch of money this morning.

1 THE COURT: We have not required to have them
2 filed individually.

3 MR. BECNEL: I figured you were going to be
4 remanding me right after the July trial dates, anyhow,
5 so --

6 MR. ZIMMERMAN: Um --

7 MR. BECNEL: But, let me just reserve that
8 just --

9 MR. ZIMMERMAN: Why don't you do it now,
10 Danny? Why don't you go --

11 THE COURT: Go right ahead. Because the
12 order that we have, Pretrial Order 27, while I will
13 acknowledge that at the outset I would have required
14 that I did not -- this order does not require you to
15 individually file them.

16 MR. BECNEL: Your Honor, the main reason I am
17 concerned about this issue is some of the lawyers here
18 have enough wealth to be able to pay these Court costs.
19 Many of the people do not. They are on fixed income tax
20 with Medicare. And if you require them, like a lot of
21 lawyers do, to pay their court costs up front, then you
22 have got to get into a lot of the in forma pauperis type
23 of requirements and with deadlines looming all over the
24 place, I want to try to protect the record -- not so
25 much just in this case, but in all MDL's because of

1 those very facts. Thank you very much, Your Honor, I
2 would like to.

3 THE COURT: Maybe we should -- because my
4 Order does not require them to be filed individually.
5 That is what I think probably should happen at the
6 outset, and then work out some agreement on the filing
7 fees, so that everybody is treated the same across the
8 board. But, I will reserve and note what you said,
9 because I have similar concerns.

10 MR. BECNEL: Thank you very much.

11 MR. ZIMMERMAN: The next item, Your Honor, is
12 a representative trial process update. There are a
13 number of issues contained within that, all of which we
14 briefly previewed with Your Honor in chambers, and we
15 are going to discuss at greater length.

16 I am not sure it adds to the mix to discuss
17 them, because they are moving targets and open at this
18 point in time. I am happy to recite what those issues
19 are if the Court desires or if people in the courtroom
20 desire, but the purpose of our meeting after this is to
21 discuss these and to try and reach clarity on where we
22 are going with them. Because right now we just have
23 some differing nuances and points of view. And I'm not
24 sure it will be helpful to just say Plaintiffs' position
25 on, say, the Markert Deposition or discovery is this and

1 the Defendant's position on Higgins is that. I would
2 prefer if we could vet it before you in chambers in our
3 next session, see where we are, and if we have motions
4 that are going to come from that or proceedings that
5 have to occur as a result of that, we have them and post
6 them appropriately. But, we can do it any way you want.

7 THE COURT: For my part, I mean, I am always
8 interested to err on the side of full disclosure. But
9 having said that, since I don't see any issue that was
10 suggested to me this morning that is going to adversely
11 or otherwise affect anybody in the immediate future --
12 and in fact some of these issues may be resolved with or
13 without court decision and intervention, unless counsel
14 sees it differently, I don't know that it would serve
15 any purpose to roll any of these issues out.

16 Mr. Pratt, do you?

17 MR. PRATT: My view is consistent with yours
18 and Mr. Zimmerman's.

19 I think there are lots of issues that need to
20 be put on the table for discussion. The goal here is to
21 get these cases streamlined and ready for trial in July.
22 We are working, I think, closely and working very well
23 with the Plaintiffs Steering Committee in that regard.

24 I think there may be a time when they become
25 more substantive and certainly deserve a more open

1 discussion. I think right now some of it is how we can
2 put these trials together better, how we can finish
3 discovery more efficiently. I tend to agree for this
4 purpose that we will just reserve this for further
5 discussion after this conference, and maybe next month
6 give sort of a report on where we are.

7 THE COURT: And I -- to my knowledge, nothing
8 has happened that would require some update, in
9 fairness. I mean, there is nothing happening officially
10 or unofficially. Because if I thought so, I would err
11 on the side of disclosing it, some of what is said about
12 me, well, when Frank is in the courtroom, he doesn't
13 even have an unspoken word. It comes all out in the
14 courtroom. I will let somebody else decide if that is
15 true or not.

16 But, anyway, in all seriousness, I think that
17 is the best use of our time. Because I don't know of
18 any particular issue that in fairness would require us
19 to kind of just outline for those of you in the
20 courtroom.

21 MR. ZIMMERMAN: The other issues, Your Honor,
22 which would also fold in the same way, which is proposed
23 revisions to PTO 25, we have exchanged proposals for PTO
24 25 deadlines.

25 PTO 25 are the Court's deadlines for the

1 bellwether trials. And we have exchanged proposals to
2 amend those in various ways to try and streamline the
3 process and give dates consistent with what the trial
4 lawyers think will be their respective needs.

5 We are planning on discussing that with Your
6 Honor in chambers, again. We had a good discussion on
7 it yesterday, and I don't think that there is any need
8 to have any further discussion on it, except we hope we
9 will get them resolved or nailed down by the end of the
10 day today.

11 So, with regard to number 2 and 3, they
12 really fold together and are contained within the
13 remarks that both Mr. Pratt and I made about vetting
14 this further in chambers and reporting where we are at
15 the end of the day.

16 THE COURT: All right.

17 MR. ZIMMERMAN: Number 4, Your Honor, is
18 update on the discovery process. The only thing I guess
19 I would report there is the back-up tape issue, which I
20 think we are toward the end of the resolution discussion
21 on that. We don't have it completely resolved. I don't
22 know if Andy and Sylvia want to give any kind of update
23 on the record at all for that?

24 MR. CARPENTER: Sure, would be happy to.

25 MR. ZIMMERMAN: That one has been at play for

1 a while and we are right at the end of the line on that.

2 MR. CARPENTER: Your Honor, Andy Carpenter
3 for Guidant.

4 I think we are, after many months of
5 negotiating this issue, pretty close to getting it
6 resolved. Plaintiffs gave us a written proposal in a
7 letter last week which basically focused the inquiry
8 that we do through the back-up tapes. We are in the
9 process, actually winding up the process of evaluating
10 that. I think it is close to something we can agree to
11 with some proposed modified language on our part, but I
12 am optimistic we will get this resolved and done fairly
13 shortly. I can provide any additional detail the Court
14 or anybody wants, but I'm not sure it would be terribly
15 productive or interesting at this point.

16 THE COURT: Thank you.

17 MS. STRIKIS: Your Honor, Silviya Strikis for
18 the Plaintiffs.

19 THE COURT: I didn't see you this morning.

20 MS. STRIKIS: I was not back in chambers this
21 morning. It looked like there was a relatively large
22 crowd already this morning.

23 THE COURT: Well, you were welcome back
24 there. One of your colleagues was late and his
25 explanation was that he had been taken to the airport by

1 mistake. But, you have to ask Mr. Arsenault about that.

2 MS. STRIKIS: I believe that was actually
3 accurate, Your Honor. We left the hotel at the same
4 time.

5 The Plaintiffs agree and are anxiously
6 awaiting Defendant's counterproposal or agreement to our
7 proposal. Our only concern is that the back-up tape
8 issue which involves two separate types of back-up,
9 e-mail back-ups which we have greater interest in and
10 then potentially some other back-up material on tapes
11 which we have only potentially a focused interest in,
12 the Plaintiffs are very concerned that that process be
13 resolved and that the fruit of the searches be produced
14 promptly.

15 So, we will discuss that with Defendants
16 hopefully in a call tomorrow and get back to the Court
17 promptly thereafter.

18 THE COURT: All right, thank you.

19 MS. STRIKIS: Thank you.

20 MR. ZIMMERMAN: Scheduling orders for the
21 following representative trials. Again, those are going
22 to be discussed in chambers, number 5, this morning.
23 So, I don't think there is any particular need to go
24 into that at this point in time.

25 THE COURT: And in the event, unlikely or

1 otherwise, that some observers, whether they are here or
2 not, have said: Well, what are the status of those
3 since we look at the pretrial orders involved and we are
4 going to roll out some orders at the end of January? I
5 am confident and share the view of counsel from both
6 sides that the focus has been on the Duron case, and
7 that once we get these set up, I mean, they are all
8 close to being finished, as I understand it. And I
9 don't think that anyone is concerned, that I am aware
10 of, that there is anything happening with respect to
11 these orders that is going to delay the existing
12 schedule. So, I haven't heard that from anyone from
13 either side. So --

14 MR. ZIMMERMAN: Right. We are fully
15 committed to that course of action. And I think that is
16 the message from the Plaintiffs' side that we are going
17 to be trying these cases, barring any other resolution
18 in July of this year, and then followed by the other
19 cases as the Court so ordered.

20 The only other minor issue, Your Honor, is
21 the defendant fact sheet issue, which we discussed. And
22 it is my understanding based on commitments from defense
23 counsel, that approximately 153, 150 will be filed by
24 Friday.

25 THE COURT: Defendant or plaintiff?

1 MR. ZIMMERMAN: Defendant fact sheets. I beg
2 your pardon. Plaintiffs are doing great on their fact
3 sheets. They fabulously have complied with that. But,
4 the Defendants are struggling a little bit. But, we are
5 keeping the heat on, and we understand they will be
6 filed, 150 or so that are due in February will be filed
7 by Friday. And we will keep close tabs on that and
8 report to the Court if there are any problems. But, it
9 is moving along pretty efficiently.

10 Andy, do you have anything?

11 MR. CARPENTER: Sure, I can give you a little
12 more detail.

13 As Mr. Zimmerman related, Mr. Goldser sent us
14 a letter detailing the amount of defendant fact sheets
15 they believe to be currently in arrears. We have taken
16 a look at those numbers. We will respond in writing.
17 We will get the defendant fact sheets that are due
18 pushed out. I believe we are planning on producing
19 approximately 152 of them. And this Friday is our
20 target date.

21 The additional ones cited by Mr. Goldser,
22 four of them are from cases that have been dismissed, 43
23 have no due date yet because our records indicate they
24 are not substantially completed. Five have been
25 previously produced. 56 of those are due in March by

1 our records. 14 are due in April. And seven are due in
2 May. So, to the extent we have discrepancies about our
3 records, we are happy to talk with Mr. Goldser and meet
4 about this.

5 THE COURT: Thank you.

6 MR. ZIMMERMAN: The only other thing I would
7 say, Your Honor, is we did mention this hearing date in
8 March that you may move from 9:00 to 8:00. Just so
9 everybody in the courtroom knows, this is the motion to
10 dismiss the third-party payor and the Medicare Secondary
11 Payor Act claims. And that is what is before Your Honor
12 for hearing on March 6th.

13 THE COURT: Were you going to just note for
14 the record -- I think you did by implication, there is
15 soon to be rolled out, and I will do an order approving
16 it, as such, a revised plaintiffs fact sheet?

17 MR. ZIMMERMAN: Yes. What has occurred, Your
18 Honor, is the Plaintiffs and Defendants looked at the
19 experience with the plaintiff fact sheets and the
20 process of deficiencies and worked diligently together
21 to try to come up with a more streamlined plaintiff fact
22 sheet that better met the needs of the respective
23 parties after some experience with the first plaintiff
24 fact sheet. And recently, we have filed with the Court
25 an approved revised plaintiff fact sheets which the

1 Court has before it for approval.

2 Once the Court has approved it, it will be
3 posted. It will be the new plaintiff fact sheet or the
4 revised plaintiff fact sheet. The PSC will e-mail
5 everybody in the -- whose e-mail addresses we have --
6 saying that this is the new plaintiff fact sheet for
7 cases now filed and per the requirement, plaintiff fact
8 sheet filings are to use the new one once it is approved
9 by the Court.

10 The intent was to make it a little more
11 streamlined, a little more efficient, and resolve within
12 it any ambiguities or problems we saw in the first year
13 of the litigation with regard to the original fact
14 sheet.

15 And I am here to say, they weren't
16 significant, but we felt it could be improved. And we
17 did try and improve it. And we hope the Court does find
18 it to be an improvement.

19 THE COURT: My understanding is, and I can't
20 really hold anybody to this, I guess, but I don't think
21 there is an issue, is if these fact sheets cross in the
22 night or in the mail or in the e-mail, my understanding
23 was that Guidant will continue to accept the properly
24 filled out former fact sheet. So, if they rolled in
25 here, they won't be returned if it is properly filled

1 out saying, well, there is a new one. We want the new
2 one filled out.

3 MR. ZIMMERMAN: Right, we discussed that.
4 And because some of the original fact sheets are still
5 in process and may be around for signature and complete
6 fill out, they may come in at the same time as the
7 revised has been approved. And there will not be a need
8 to change your original fact sheet to a revised fact
9 sheet, even though the date of filing of that fact sheet
10 is after the date of entry of the new revised plaintiff
11 fact sheet.

12 MR. PRATT: That certainly is acceptable to
13 the Defendant, Your Honor.

14 THE COURT: All right.

15 MR. ZIMMERMAN: Your Honor, that does
16 conclude the matters we have on the formal agenda and I
17 would ask if anyone in the courtroom has anything or Mr.
18 Pratt?

19 THE COURT: I'll start with Mr. Pratt, then I
20 will -- or whomever within the group. And I will ask
21 anyone in the courtroom.

22 MR. PRATT: We have nothing else, Your Honor,
23 except to note -- I am kind of the numbers guy today.
24 We have now produced to the Plaintiffs 12.7 million
25 pages of documents. So, they keep coming. And I am

1 afraid there is a little more coming.

2 So, we are continuing the discovery process
3 working, I believe, well with the Plaintiffs Steering
4 Committee to resolve disputes and get them the
5 information that they have asked for.

6 THE COURT: Is there anyone else who is here
7 who for the record wants to be heard on an issue,
8 resolved or unresolved?

9 MR. BECNEL: Your Honor, once again, I would
10 ask -- Daniel Becnel. Ask Tim Pratt -- I have a number
11 of Minnesota cases to file, and I would ask him to allow
12 me to file those in Federal Court rather, than me having
13 to run back and forth between the State Court and
14 Federal Court, just as a request, so that all would be
15 here and I would have all of my cases in the MDL.

16 MR. PRATT: I'm not sure what the request is,
17 but Mr. Becnel and I can talk about it and I am sure we
18 can resolve it.

19 THE COURT: And let me -- I will say, whether
20 it relates to the request or not, something that came up
21 in the past two weeks, a lawyer filed a group of cases
22 here and the request was they wanted them not to go
23 directly into the MDL, they wanted them to go to the
24 Panel and then sent back.

25 I sent the letter out, and I think it would

1 be accurate to say that copies were given to counsel on
2 both sides, suggesting that if the concern is choice of
3 law, for example, that it would be difficult for me to
4 think that that mechanical maneuver would under any case
5 or rule I am aware of affect what the ultimate decision
6 would be, if that was the reason why they wanted to take
7 them, move them out and send them back. Because they
8 were moved directly into the MDL and were filed here and
9 then moved in, rather than go to the Panel and come
10 back.

11 And so, I don't know for certain what the
12 concern was, but it apparently was addressed, because I
13 think we got it resolved. And it may not be -- it may
14 be an unrelated issue to what was raised.

15 Before we close --

16 MR. ZIMMERMAN: I want to say something.

17 THE COURT: Mr. Zimmerman? Sorry.

18 MR. ZIMMERMAN: I just want to inform the
19 Court in order to be more user friendly to people who
20 have plaintiffs' cases, we have an information line and
21 a question and answer protocol that is being put onto
22 the website for frequently asked questions and a direct
23 access 800 number for people who have questions
24 regarding PSC and the MDL process.

25 I wanted the Q and A, or the frequently asked

1 questions to be reviewed by the Court before we put it
2 up on the website, just so there is nothing there that
3 the Court hasn't seen. And I believe you have that in
4 front of you.

5 THE COURT: I do.

6 MR. ZIMMERMAN: And when you give us the
7 okay, we will post that, along with the 800 number is
8 already up for people to come into a direct
9 communication with a person about questions they have
10 with regard to either filing or processes or
11 requirements or how to get orders, or things like that.

12 I just inform the Court of this because we
13 try and be as user friendly to people who have cases out
14 there as we possibly can. We do the best job we can,
15 but there always are things we can do better, and we
16 keep striving to do it. And these questions, frequently
17 asked questions, is our attempt to try and improve on
18 our processes.

19 THE COURT: Thank you. The other thing I was
20 going to say, it has nothing to do directly with the
21 MDL. I am just sorry even though they are four months
22 ahead of schedule over in the building across the
23 street, I may have mentioned this, but I hadn't been
24 over there since the last hearing. Lawyers and jurors
25 are going to find, I think, these courtrooms and their

1 design to be some of their most favorite and user
2 friendly. I think I discussed in the past the design of
3 those 8 by 10 foot screens behind the witness box and no
4 private monitors, except for a few for offers of proof.

5 But now that there are the three new
6 courtrooms that they are copying the four on the seventh
7 floor, it is really turning out better than we could
8 have expected. And the better part is going to be for
9 lawyers and jurors.

10 And so, of course the architects and the
11 trial experts get the credit for it, but it is too bad
12 we can't use them starting in July because they are not
13 that far ahead of schedule.

14 The GSA wouldn't let us move out of here,
15 anyway, because we have a three-year contract. I think
16 you are going to enjoy them very much.

17 Then we will, until April, we are set to
18 return here on April 4th, and again on the 25th, not
19 separate from the motion hearing that is set in March.
20 And if there is any minor changes, I could move up, with
21 the agreement of all of the parties affected, say from a
22 9:00 to an 8:00 start, we will get that out on the
23 website.

24 I thank everyone for coming. And we are
25 adjourned. Thank you.

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ALL COUNSEL: Thank you.

(Discussion off the record.)

(Adjournment.)

Certified by: _____

 Jeanne M. Anderson, RMR-RPR
 Official Court Reporter