## UNITED STATES DISTRICT COURT

 EASTERN DISTRICT OF LOUISIANAIN RE: XARELTO (RIVAROXABAN) PRODUCTS LIABILITY LITIGATION

CIVIL ACTION NO. 14-MD-2592 "L" NEW ORLEANS, LOUISIANA
THURSDAY, JULY 9, 2015, 9:00 A.M.
THIS DOCUMENT RELATES TO ALL CASES

TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS heard before the honorable eldon e. fallon UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS'
LIAISON COUNSEL: HERMAN HERMAN \& KATZ
BY: LEONARD A. DAVIS, ESQUIRE
820 O'KEEFE AVENUE
NEW ORLEANS, LA 70113

FOR THE PLAINTIFFS: LEVIN PAPANTONIO THOMAS MITCHELL RAFFERTY \& PROCTOR
BY: BRIAN H. BARR, ESQUIRE
316 SOUTH BAYLEN STREET, SUITE 600 PENSACOLA, FL 32502

BEASLEY ALLEN CROW METHVIN PORTIS \& MILES
BY: ANTHONY BIRCHFIELD JR., ESQUIRE POST OFFICE BOX 4160 MONTGOMERY, AL 36103

APPEARANCES CONTINUED:

FOR THE DEFENDANTS' LIAISON COUNSEL: IRWIN FRITCHIE URQUHART \& MOORE BY: JAMES B. IRWIN, V, ESQUIRE TEXACO CENTER 400 POYDRAS STREET, SUITE 2700 NEW ORLEANS, LA 70130

FOR THE DEFENDANTS: CHAFFE MCCALL
BY: JOHN F. OLINDE, ESQUIRE 1100 POYDRAS STREET NEW ORLEANS, LA 70163

DRINKER BIDDLE \& REATH BY: SUSAN M. SHARKO, ESQUIRE 500 CAMPUS DRIVE FLORHAM PARK, NJ 07932

KAYE SCHOLER
BY: STEVEN GLICKSTEIN, ESQUIRE 250 WEST 55TH STREET NEW YORK, NY 10019

ALSO PRESENT:
JACOB S. WOODY, BROWNGREER

OFFICIAL COURT REPORTER: CATHY PEPPER, CRR, RMR, CCR CERTIFIED REALTIME REPORTER REGISTERED MERIT REPORTER 500 POYDRAS STREET, ROOM HB406 NEW ORLEANS, LA 70130 (504) 589-7779 Cathy_Pepper@laed.uscourts.gov

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY. TRANSCRIPT PRODUCED BY COMPUTER.

## I N D EX

AGENDA ITEMS ..... PAGE
PRETRIAL ORDERS ..... 6
PRETRIAL ORDER NO. 13(A) ..... 6
PRETRIAL ORDER 14(A) ..... 6
PRETRIAL ORDER NO. 19 ..... 6
PRETRIAL ORDER NO. 20 ..... 6
CASE MANAGEMENT ORDERS ..... 6
PROPOSED CASE MANAGEMENT ORDER NO. 2. ..... 7
PROPOSED CMO ..... 7
BELLWETHER CASES ..... 7
DISCOVERY POOL ..... 7
MDL CENTRALITY ..... 8
FACT SHEETS DIGITIZED ..... 12
SERVICE OF DOCUMENTS ..... 12
PLAINTIFF FACT SHEETS ..... 13
EXTENSIONS ..... 13
FIRST TRIAL IS SEPTEMBER 12, 2016, NEXT ONE IS
OCTOBER 17, 2016, THIRD ONE IS DECEMBER 5, 2016, AND THE LAST ONE IS JANUARY 16, 2017 ..... 14
DEFENDANT FACT SHEETS ..... 14
BUNDLING OF COMPLAINTS. ..... 15
PRESERVATION ORDER ..... 15

DEPOSITIONS OF J\&J AND BAYER GOING FORWARD ON JULY 15TH AND 16TH, 201515
DISCOVERY. ..... 16
DEPOSITION GUIDELINES ..... 17
DISCOVERY ISSUED TO THIRD PARTIES ..... 17
FDA. ..... 17
DUKE. ..... 18
STATE/FEDERAL COORDINATION ..... 18
JUDGE NEW ..... 18
NEXT STATUS CONFERENCE IS AUGUST 4TH, 2015 ..... 19
THEN A STATUS CONFERENCE ON SEPTEMBER 17TH, 2015 ..... 20

P-R-O-C-E-E-D-I-N-G-S<br>MORNING SESSION THURSDAY, JULY 9, 2015 (COURT CALLED TO ORDER)

THE DEPUTY CLERK: All rise.
THE COURT: Be seated, please. Good morning, ladies and gentlemen. Call the case, please.

THE DEPUTY CLERK: MDL 2592, In re: Xarelto Products Liability Litigation.

THE COURT: Would counsel make their appearances for the record. Liaison.

MR. DAVIS: Good morning, Your Honor. Leonard Davis, Herman Herman Katz, plaintiffs' coliaison.

MR. IRWIN: Jim Irwin for defendants. Good morning.
THE COURT: We're a little late getting started because unfortunately we had a problem with the call-in number, so people hopefully now have the right number, and they will be getting some more as they call in.

We're at the stage in this litigation now where our infrastructure for the litigation is established. We've got protocols in place, and the methodology of the litigation is pretty well established, and now the parties are proposing and I've worked with them this morning on an agenda for cutoff

09:14:31 1

09:14:34 2
09:14:38 3

09:14:41 4
09:14:46 5

09:14:49 6

09:14:51

09:14:55 8

09:15:00 9
09:15:06 10
09:15:10 11
09:15:11 12
09:15:17 13
09:15:21 14
09:15:25 15
09:15:37 16
09:15:41 17
09:15:43 18

09:15:48 19
09:15:54 20
09:15:58 21
09:16:03 22
09:16:06 23
09:16:09 24
09:16:15 25
dates for production of documents.
As you can imagine in these cases, there are a lot of documents. Millions of documents have to be looked at first by the defendants and then produced, and then the plaintiffs have to look at them and get them in order, and then the depositions start.

We've talked about the numbers of depositions. We've also set trial dates for four cases for bellwether trials to begin, and we're at that stage now.

Let's take them in the order. The pretrial orders.

MR. DAVIS: Good morning, Your Honor. Since the last status conference, there have been a few pretrial orders. And, again, I refer those that are on the phone to the Court's website that's located at www.laed.uscourts.gov/Xarelto so they can view joint reports, pretrial orders, and other matters that the Court posts on its website.

Since the last status conference, the Court issued Pretrial Order No. 13(a) and 14(a), which was on June 23. The Court also issued Pretrial Order No. 19 and Pretrial Order No. 20. All of those are outlined on the Court's -- are available, rather, on the Court's website, and they are outlined in Section 1 of the Joint Report.

With respect to Item No. 2, Case Management Orders, there is nothing new to report.

09:16:17 1
09:16:21 2
09:16:28 3
09:16:34 4
09:16:37 5
09:16:40 6
09:16:44
09:16:51 8
09:16:59 9
09:17:03 10
09:17:07 11
09:17:11 12
09:17:21 13
09:17:26 14
09:17:30 15
09:17:34 16
09:17:39 17
09:17:43 18
09:17:49 19
09:17:55 20
09:18:01 21
09:18:08 22
09:18:13 23
09:18:16 24
09:18:20 25

Item No. 3 is Proposed Case Management Order No. 2. As Your Honor mentioned earlier, we moved on to areas other than the infrastructure, including setting document productions for certain dates and the like.

The parties met with Your Honor, and we will be reporting back to you within a week with respect to a proposed CMO that we hope will get in shape that the Court will approve, and it will lay out items such as document production, deposition dates, trial dates, various issues regarding selection of bellwethers and the like.

THE COURT: What we've done with regard to the bellwethers, thus far in this litigation in this court, we have about 1,200 cases. Every state is represented. It looks like that the projection is that we'll have between six and 7,000 cases. We have about 1,200 now in this litigation.

I received reports from liaison, our state liaison counsel that there are about a couple hundred cases in the various states, primarily in Pennsylvania; although, there are a few in New Jersey and some in Michigan.

We're trying to, at this point, develop what we call a discovery pool because if you've got six or 7,000 cases, you can't begin picking bellwether cases until you know what's in that discovery. There is no sense in taking 6,000 plaintiffs and 6,000 treaters before you're able to pick the bellwether cases.

09:18:21 1
09:18:27 2
09:18:32 3
09:18:39 4
09:18:43 5

09:18:46

09:18:51

09:18:57 8
09:19:02 9
09:19:07 10
09:19:07 11
09:19:16 12

09:19:22 13
09:19:25 14
09:19:32 15
09:19:39 16
09:19:42 17
09:19:42 18

09:19:46 19
09:19:48 20
09:19:51 21
09:19:55 22
09:19:58 23
09:20:01 24
09:20:05 25

So, we're going to pick a discovery pool of about 40 cases. We'll have 10 picked by the plaintiffs, 10 picked by the defendants, and 20 picked randomly. Hopefully that will mirror the census of the litigation.

Those cases then will be discovered. The plaintiffs will be taken, the treater, the prescriber, the agent, and things of that sort for each of those cases. Then once that is finished, then the parties will be able then to realistically and intelligently pick the bellwether cases from that pool.

We'll try approximately four cases, and we'll try two in Louisiana, one in Mississippi, and one in Texas. Potentially one in other states, too, but we'll see where we go with those. That's the methodology that we're working on. Of course, before the depositions can be taken, the document discovery has to be produced, and that's where we are at this point.

MDL Centrality is the next item.
MR. DAVIS: Yes, Your Honor. If I may, just right before that, as a counsel contact information point, if might remind counsel we have gotten some additional ones in since the last status conference. I just remind counsel if they haven't filled out the form, please do so so that they can get information and be included in Centrality and the like.

No. 5, MDL Centrality, there is nothing to report
at this time. As the Court is aware, Jake Woody is present in the courtroom.

THE COURT: Jake, you've got a report. Do you want to come forward?

MR. DAVIS: MDL Centrality is in place and the profile forms are being uploaded. We've had a number of communications with Jake over the last few weeks and advised him of certain kinks that are being addressed, and if folks do have kinks, please let us know with MDL Centrality. Jake has been available and he is here to present to the Court.

THE COURT: Okay.
MR. WOODY: Good morning, Your Honor. My name is Jake Woody from BrownGreer. I have a very brief presentation on the status of MDL Centrality and the faction process.

To date we have 1,084 fact sheets in the system. Of those, 550 have been submitted to the defendants. Another 534 are in progress. This number changes every day as people begin the process with new fact sheets and also submit fact sheets through the system.

The first deadline to submit fact sheets was July 3rd. As you can see from this chart of the submission activity over time, we received the bulk of fact sheets beginning on July 1st and continuing on the 2nd and 3rd. On the 2nd alone we received 166, which is a significant portion of the total fact sheets submitted.

09:21:57 1
09:22:01 2
09:22:04 3

09:22:08 4
09:22:11 5

09:22:16 6
09:22:19 7
09:22:25 8

09:22:31 9
09:22:36 10
09:22:42 11
09:22:46 12

09:22:48 13
09:22:51 14
09:22:54 15
09:22:58 16
09:23:03 17
09:23:06 18

09:23:08 19
09:23:11 20
09:23:14 21
09:23:14 22
09:23:19 23
09:23:22 24
09:23:27 25

As you can also see, the volume has returned to a lower level. The deadlines are now rolling based on when people came into the MDL either through a direct file or a transfer. Not everybody has the same deadline any longer, and we expect the submissions to be a fairly low volume but occurring very frequently over the next few months and years.

Just a few quick statistics for you. There are -- 214 firms are registered with us, and from those firms 527 unique users of the system. 115 firms have submitted at least one fact sheet. We have 7,504 documents uploaded by plaintiffs' medical records, HIPAA authorizations, things of that nature.

The largest file we have in the system is 382 megabytes. I mention that because we receive questions fairly often about whether there is a size limit on what people can upload. There is a limit. It is about 3 gigabytes, which is about 10 times the size of the largest document we have in the system, so there shouldn't be any problem uploading documents. Medical records and things of that sort can get fairly large, but the system can accommodate almost any document.

Finally, we have distributed 258 pleadings and orders through MDL Centrality to plaintiff users. We are able to download those from the ECF notifications that the Court enters and distribute them by e-mail to all the plaintiff

09:23:30 1
users. We have been able to attach the documents to each e-mail so far.

I do want to mention, now that we have a number of fact sheets submitted, the procedure to revise a fact sheet that has already been submitted. To do that you can simply search for the plaintiff and go to the fact sheet as you would if you were filling it out. You have to unlock the fact sheet.

I've provided a screen shot here. There is an unlock button at the bottom of the screen. If you click that button, you'll be able to revise any answer you've already provided.

All the data you've already provided will be available, so you can revise it, amend it, and simply submit it again through the normal process, and we will save it as version two of the fact sheet so that we have a history of the fact sheets that have been submitted.

If you simply need to upload a new document that wasn't previously available, you do not need to unlock it. You can just use the upload feature and upload that document through normal system.

Finally, I want to give our contact information. The website for MDL Centrality is www.MDLCentrality.com/MDL2592. You can e-mail us at MDLCentrality@browngreer.com. And our telephone number is (804) 521-7200.

I do also want to mention that Judge New in Pennsylvania entered a Case management Order yesterday that requires the use of MDL Centrality for the Pennsylvania state cases. The system will be identical, the fact sheet is identical, and the authorizations are the same, and we will have that up for anybody who needs to use it very shortly.

THE COURT: Okay. Fine. Thank you very much.
We're trying this for the first time in an MDL, and so far it's working. It's still, to some extent, a work in progress. We're tweaking it. We worked with Jake and his group initially to get the format, and this Centrality does two things:

One, it gives us the opportunity to have the fact sheets digitized, and with that we are able to look at various categories or potential categories, and that's helpful both in the selection of the discovery cases, discovery pool cases, as well as the bellwether cases. So that's a big benefit.

Secondly, it's also helpful in the service of documents. A document is filed here in federal court, and it's immediately uploaded to Centrality and e-mailed to everybody so that the documents can be given to anybody who is registered in the litigation. That's why it's important that the lawyers who have cases in this litigation register so that they can get all of that information.

I talked to Judge New about it on several

09:26:38 1
09:26:41 2
09:26:45 3
09:26:48 4
09:26:53 5
09:26:57 6
09:27:01
09:27:05 8
09:27:11 9
09:27:15 10
09:27:19 11
09:27:22 12
09:27:24 13
09:27:31 14
09:27:35 15
09:27:36 16
09:27:41 17
09:27:45 18
09:27:51 19
09:27:55 20
09:27:58 21
09:28:05 22
09:28:09 23
09:28:12 24
09:28:16 25
occasions, and he indicated that he was going to utilize it also, so that, I think, would be helpful.

MR. DAVIS: Your Honor, on Plaintiff Fact Sheets, I want to remind counsel, because we have received some fact sheets that have been mailed in, I believe, or e-mailed in to Jim Irwin's office and our office, and I want to remind all counsel that Centrality is the place, and there is a pretrial order specifically on that, Pretrial Orders 13(a) or 13 on uploading profile forms to Centrality. That's the location where they go, specifically for the reasons as Your Honor outlined a moment ago.

THE COURT: If anybody on the phone has any difficulty with that, call the number that Jake just gave us, and they will walk you through it, and you'll get familiar with it very quickly.

MR. DAVIS: There have been recent, since the filing of some of the profile forms, a number of counsel who have made requests for extensions. As the PSC mentioned before at the last status conference, we will continue to monitor profile forms and will assist counsel if they need some assistance, but we do encourage counsel to get their profile forms in timely, and if they need an extension they should reach out to Jim Irwin, who is liaison counsel.

There is a grace period in there if there is a problem, but we encourage counsel to submit what they can in a

09:28:21 1
09:28:24 2
09:28:29 3
09:28:33 4
09:28:39 5
09:28:42 6
09:28:42 7
09:28:45 8
09:28:48 9
09:28:54 10
09:28:58 11
09:29:03 12
09:29:07 13
09:29:15 14
09:29:18 15
09:29:24 16
09:29:31 17
09:29:36 18
09:29:39 19
09:29:43 20
09:29:47 21
09:29:50 22
09:29:53 23
09:29:57 24
09:29:59 25
profile form as complete as they have it. They can always supplement it, and if, in fact, they need an extension beyond the grace period that's provided for in the pretrial order, then, as Your Honor has directed us in the earlier conference, we will tell individuals that they should be filing a motion to the Court.

THE COURT: Right. It's important that the profile forms be filed because we're working on a very tight schedule. We have our first trial in this case, September 12, 2016, our next one October 17, 2016, our third one December 5, 2016, and the last one January 16, 2017.

We're working on that type schedule with these selection of cases. Usually, in addition to the general discovery which takes a lot of depositions and a lot of discovery, the depositions of those cases that are set for trial that are even in the discovery pool, it will take four for each case primarily, and so if you're dealing with 40 cases you can you can see how many depositions that need to be taken before those cases can be selected. In order to get in on that mix, you're going to have to give your document so that you can get into that pool.

MR. DAVIS: The next item on the agenda is Defendant Fact Sheets. Thus far we have not received any Defendant Fact Sheets but now that Plaintiff Fact Sheets have been provided, we expect that defendants will be submitting their fact sheets

09:30:03 1
09:30:08 2
09:30:11 3
09:30:16 4
09:30:23 5
09:30:27 6
09:30:37 7
09:30:37 8
09:30:41 9
09:30:47 10
09:30:52 11
09:30:56 12
09:31:00 13
09:31:06 14
09:31:09 15
09:31:17 16
09:31:21 17
09:31:23 18
09:31:24 19
09:31:26 20
09:31:32 21
09:31:39 22
09:31:40 23
09:31:44 24
09:31:47 25
on a timely basis, as that's critical toward these trial dates that Your Honor has identified. So we'll be looking for those. The next item on the agenda is Bundling of Complaints. The proposed PTO 11(b) was submitted to the Court. We know that the Court has that under advisement, and we know that a number of bundled complaints have been provided to the Court.

THE COURT: Just remember, and I'll put this in an order also, that the filing of the amended complaint, if you file for an amendment, the time for filing amendments starts, as we know, without court approval, you can amend it within 30 days. Well, the 30 -day period starts when you file a bundled complaint, not when you break it out into individual complaints. On the other hand, summons should be filed with the severed case so that you don't have to -- you issue a summons in each of those cases. I'll put this out in a minute entry so that you all have that.

## Anything on Preservation Order?

MR. DAVIS: No, Your Honor. There is nothing on be preservation order. However, there will be a deposition of J\&J and Bayer going forward on July 15th and 16th. These are what I call IT depositions.

Bayer and J\&J has advised us this morning that they will be providing to us today the names of the individuals who will be the corporate representatives as well as what I've

09:31:51 1

09:31:57 2

09:32:01 3

09:32:05 4

09:32:09 5

09:32:13 6

09:32:17

09:32:21 8

09:32:22 9

09:32:33 10

09:32:35 11

09:32:39 12

09:32:41 13

09:32:4314

09:32:46 15

09:32:50 16

09:32:56 17

09:33:00 18

09:33:04 19

09:33:07 20

09:33:10 21

09:33:14 22

09:33:19 23

09:33:23 24

09:33:25 25
called standard operating procedure documents. We'll get those today in advance of the deposition. That deposition will be taken by the PSC or its designee.

The notice that was filed does have a provision in it for a call-in number, but based upon the discussions that we had earlier today, we will not be having a call-in for that deposition, and I just wanted the Court to be aware of that.

THE COURT: Right.
MR. DAVIS: The next item, No. 10, Discovery. We have received documents from the defendants. Defendants have advised that they will be providing additional documents. We are anxiously awaiting them, and we are reviewing these documents as they come in.

Obviously, Your Honor, we will need to review those documents in order to meet a trial date. We appreciate the Court giving us the opportunity to have biweekly status conferences with respect to documents and discovery items and will address those as the need arises going forward.

THE COURT: All right. So far the documents that have been produced are 5 million a month. You're probably going to have to step that up a bit. I'm not going to put any document limit on it, but at least 5 million a month should be produced, and those documents are forthcoming now.

MR. DAVIS: We will address those with Your Honor in the upcoming conferences.

THE COURT: Okay.
MR. DAVIS: No. 11, Deposition Guidelines. That's being worked on. I don't envision any problem with the upcoming deposition, even though there isn't a deposition guideline in this case. I think counsel know how to take a deposition professionally, and you'll not have a problem with that.

No. 12, Discovery Issued to Third Parties. There are two matters on this. One is the FDA and we spoke about that in the early meeting with Your Honor. The FDA has asked for Jansen or Bayer to consent to the production of their documents.

We spoke about that and I'm told that within a week we'll have something on that. We'll report back to the Court because we are anxious to have the FDA production provided. If there is an issue within a week, we'll get back to Your Honor, but hopefully we can avoid having an order.

Jim.
MR. IRWIN: Yes. Thank you, Mr. Davis.
We are in consultation with the FDA about this, Your Honor, and I will be getting back to Mr. Davis within a week. I think Your Honor knows sometimes it's hard to move the FDA along, and we're going to do our best, but I will be talking to Lennie within the week.

THE COURT: All right. Fine.

09:34:48 1
09:34:51 2
09:34:57 3
09:35:01 4
09:35:06 5
09:35:10 6
09:35:15

09:35:15 8
09:35:20 9
09:35:22 10
09:35:32 11
09:35:34 12
09:35:38 13
09:35:42 14
09:35:45 15
09:35:46 16
09:35:49 17
09:35:54 18
09:36:02 19
09:36:08 20
09:36:13 21
09:36:15 22
09:36:21 23
09:36:24 24
09:36:30 25

MR. DAVIS: The other third-party issue that's out there is Duke, and Duke has communicated with us, and we've advised defendants that they are in the process of determining what the universe is of documents. We expect to hear back from them, and hopefully they'll make a meaningful production, and we'll go forward with that third-party discovery that's issued to Duke.

The next item on the agenda is State/Federal Coordination, and Ms. Barrios is here.

MS. BARRIOS: Thank you, Mr. Davis.
Good morning, Your Honor. Dawn Barrios for the state/federal committee. I've handed your law clerk the court status in state court that we put together, and again, I would like to thank the defense for so timely providing us with the information that we've requested.

For the record, there is one case in Illinois, one case in Indiana -- I'm sorry, two cases in Indiana, one in Missouri, three -- 6 in New Jersey, and the bulk is in Pennsylvania at 263. That brings the total to 273. The change from the last status conference is really 36 in Pennsylvania and one in Illinois.

As Mr. Woody said, Judge New entered the Case Management Order, and he specifically ordered the parties to cooperate in discovery with the MDL. They are doing so. The depositions referred to by Mr. Davis about the IT systems have

09:36:33 1
09:36:38 2
09:36:42 3
09:36:44 4
09:36:48 5
09:36:52 6
09:36:54 7
09:36:58 8
09:37:01 9
09:37:04 10
09:37:07 11
09:37:11 12
09:37:15 13
09:37:2014
09:37:21 15
09:37:28 16
09:37:31 17
09:37:33 18
09:37:34 19
09:37:36 20
09:37:40 21
09:37:43 22
09:37:48 23
09:37:51 24
09:37:54 25
been cross-noticed in Pennsylvania, so those are going forward. Everything looks like it's going smoothly, Your Honor.

THE COURT: Okay. Keep an eye on the coordination because there is no sense in having the lawyers have to take the same deposition in two or three different states, so we really ought to take it with the understanding that it can be used in those states so that we don't have to redo the depositions. That's one advantage of working with the states.

MS. BARRIOS: Yes, Your Honor. What I'll do is I'll contact the plaintiffs' lawyers in the various states.

MR. DAVIS: We have spoken to plaintiffs' liaison from Pennsylvania on a regular basis. We have told them that we will cooperate with them, and we expect that cooperation will go forward.

THE COURT: Okay. All right. Thank you very much.
MR. DAVIS: Your Honor, I think the next item is the next status conference.

THE COURT: August 4th, 2015, does that work for you guys? August 4th?

MR. DAVIS: Mr. Meunier will be here for that. I know that's a change, just so folks know, that's a change from where it was before. August 4th is okay with us.

THE COURT: Anything from anybody in the --
MR. DAVIS: Your Honor, you had mentioned a September also, I believe.

THE COURT: September 17th.
MR. IRWIN: Good for us, Your Honor.
THE COURT: Will that work?
MR. DAVIS: That's good for us, Your Honor.
THE COURT: Okay. Folks, thank you very much. Court will stand in recess.

THE DEPUTY CLERK: All rise.
(WHEREUPON, at 9:39 a.m. the proceedings were concluded.)

## REPORTER'S CERTIFICATE

I, Cathy Pepper, Certified Realtime Reporter, Registered Merit Reporter, Certified Court Reporter in and for the State of Louisiana, Official Court Reporter for the United States District Court, Eastern District of Louisiana, do hereby certify that the foregoing is a true and correct transcript to the best of my ability and understanding from the record of the proceedings in the above-entitled and numbered matter.

s/Cathy Pepper<br>Cathy Pepper, CRR, RMR, CCR Certified Realtime Reporter Registered Merit Reporter Official Court Reporter United States District Court Cathy_Pepper@laed.uscourts.gov






| RIVAROXABAN [1] - | ```sort [2] - 8:7, 10:19 SOUTH [1] - 1:20 specifically [3] - 13:8, 13:10, 18:23 spoken [1] - 19:11 stage \([2]-5: 21,6: 9\) stand [1] - 20:6 standard [1] - 16:1 start [1] - 6:6 started [1] - 5:17 starts [2] - 15:10, 15:12 state [4]-7:13, 7:16, 12:3, 18:13 State [1] - 20:15 State/Federal [1] - 18:8 STATE/FEDERAL [1] - 4:8 state/federal [1] - 18:12 States [2]-20:15, 20:21 states [6] - 7:18, 8:13, 19:5, 19:7, 19:8, 19:10 STATES [2] - 1:1, 1:11 statistics [1] - 10:7 status [9]-6:13, 6:18, 8:22, 9:14, 13:19, 16:16, 18:13, 18:20, 19:17 STATUS [3] - 1:10, 4:10, 4:11 STENOGRAPHY [1] - 2:24 step [1] - 16:21 STEVEN [1] - 2:15 still [1] - 12:9 STREET [5] - 1:20, 2:5, 2:8, 2:15, 2:21 submission [1] - 9:21 submissions [1] - 10:5 submit [4] - 9:18, 9:20, 11:13, 13:25 submitted [7] - 9:16, 9:25, 10:9, 11:4, 11:5, 11:16, 15:4 submitting [1] - 14:25 SUITE [2] - 1:20, 2:5 summons [2]-15:14, 15:16 supplement [1] - 14:2 SUSAN [1] - 2:11 system [8] - 9:15, 9:19, 10:9, 10:13, 10:18, 10:20, 11:20, 12:4 systems [1] - 18:25``` | T | U | X |
| :---: | :---: | :---: | :---: | :---: |
| RMR [2] - 2:20, 20:19 <br> rolling [1] - 10:2 <br> ROOM [1] - 2:21 |  | telephone [1] - 11:24 <br> TEXACO [1] - 2:4 <br> Texas [1] - 8:12 | under [1] - 15:5 <br> unfortunately $[1]$ - $5: 18$ | XARELTO [1] - 1:4 <br> Xarelto [1] - 5:10 |
| S |  |  |  | Y |
| $\begin{aligned} & \text { s/Cathy }[1]-20: 19 \\ & \text { save }[1]-11: 14 \\ & \text { schedule }[2]-14: 8, \\ & 14: 12 \\ & \text { SCHOLER }[1]-2: 14 \\ & \text { screen }[2]-11: 8,11: 9 \\ & \text { search }[1]-11: 6 \\ & \text { seated }[1]-5: 8 \\ & \text { secondly }[1]-12: 18 \\ & \text { Section }[1]-6: 23 \\ & \text { see }[4]-8: 13,9: 21, \\ & 10: 1,14: 18 \\ & \text { selected }[1]-14: 19 \\ & \text { selection }[3]-7: 10, \\ & 12: 16,14: 13 \\ & \text { sense }[2]-7: 23,19: 4 \\ & \text { September }[3]-14: 9, \\ & 19: 24,20: 1 \\ & \text { SEPTEMBER }[2]- \\ & 3: 20,4: 11 \\ & \text { SERVICE }[1]-3: 17 \\ & \text { service }[1]-12: 18 \\ & \text { set }[2]-6: 8,14: 15 \\ & \text { setting }[1]-7: 3 \\ & \text { several }[1]-12: 25 \\ & \text { severed }[1]-15: 15 \\ & \text { shape }[1]-7: 7 \\ & \text { SHARKO }[1]-2: 11 \\ & \text { sheet }[6]-10: 10,11: 4, \\ & 11: 6,11: 7,11: 15, \\ & 12: 4 \\ & \text { sheets }[11]-9: 15, \\ & 9: 18,9: 19,9: 20, \\ & 9: 22,9: 25,11: 4, \\ & 11: 16,12: 14,13: 5, \\ & 14: 25 \end{aligned}$ <br> SHEETS [1] - 3:16 <br> Sheets [4] - 13:3, $14: 23,14: 24$ <br> SHEETS. $\qquad$ [2] - 3:18, 3:23 <br> shortly [1] - 12:6 <br> shot [1] - 11:8 <br> significant [1] -9:24 <br> simply [3] - 11:5, <br> 11:13, 11:17 <br> six [2] - 7:14, 7:21 <br> size [2] - 10:15, 10:17 <br> smoothly [1] - 19:2 <br> sometimes [1] - 17:22 <br> sorry [1] - 18:17 |  | $\begin{aligned} & 5: 7,5: 8,5: 10,5: 12, \\ & 5: 17,7: 11,9: 3,9: 11, \\ & 12: 7,13: 12,14: 7, \\ & 15: 8,16: 8,16: 19, \\ & \text { 17:1, 17:25, 19:3, } \\ & \text { 19:15, 19:18, 19:23, } \\ & \text { 20:1, 20:3, 20:5, } \\ & \text { 20:7 } \\ & \text { THEN }[1]-4: 11 \\ & \text { third }[3]-14: 10,18: 1, \\ & \text { 18:6 } \\ & \text { THIRD }[2]-3: 21,4: 5 \\ & \text { Third }[1]-17: 8 \\ & \text { third-party }[2]-18: 1, \\ & 18: 6 \\ & \text { THIS }{ }_{[1]}-1: 7 \\ & \text { THOMAS }[1]-1: 18 \\ & \text { three }[2]-18: 18,19: 5 \\ & \text { THURSDAY }[2]-1: 6, \\ & 5: 3 \\ & \text { tight }[1]-14: 8 \\ & \text { timely }[3]-13: 21, \\ & 15: 1,18: 14 \\ & \text { TO }[3]-1: 7,4: 5,5: 4 \\ & \text { today }[3]-15: 24, \\ & 16: 2,16: 6 \\ & \text { together }[1]-18: 13 \\ & \text { total }[2]-9: 25,18: 19 \\ & \text { toward }[1]-15: 1 \\ & \text { TRANSCRIPT }[2]- \\ & 1: 10,2: 24 \\ & \text { transcript }[1]-20: 16 \\ & \text { transfer }[1]-10: 4 \\ & \text { treater }[1]-8: 6 \\ & \text { treaters }[1]-7: 24 \\ & \text { trial }[6]-6: 8,7: 9, \\ & 14: 9,14: 16,15: 1, \\ & 16: 15 \\ & \text { TRIAL }[1]-3: 20 \\ & \text { trials }[1]-6: 8 \\ & \text { true }[1]-20: 16 \\ & \text { try }[2]-8: 11 \\ & \text { trying }[2]-7: 20,12: 8 \\ & \text { tweaking }[1]-12: 10 \\ & \text { two }[6]-8: 12,11: 15, \\ & 12: 11,17: 9,18: 17, \\ & 19: 5 \\ & \text { type }[1]-14: 12 \\ & \hline \end{aligned}$ | $\begin{array}{\|l} \text { United }[2]-20: 15, \\ \text { 20:21 } \\ \text { universe }[1]-18: 4 \\ \text { unlock [3] - 11:7, } \\ 11: 9,11: 18 \\ \text { up [2] - 12:6, 16:21 } \\ \text { upcoming }[2]-16: 25, \\ \text { 17:4 } \\ \text { upload }[4]-10: 16, \\ \text { 11:17, 11:19 } \\ \text { uploaded }[3]-9: 6, \\ \text { 10:10, 12:20 } \\ \text { uploading }[2]-10: 18, \\ 13: 9 \\ \text { URQUHART }[1]-2: 3 \\ \text { users }[3]-10: 9, \\ 10: 23,11: 1 \\ \text { utilize }[1]-13: 1 \end{array}$  | years [1] - 10:6 <br> yesterday [1] - 12:2 <br> YORK [1] - 2:16 |

