

1 I. DISCOVERY DISPUTES:

- 2 1. The recently received certification and production by Eli Lilly and
3 Company has been resolved except for one item which will likely be
4 resolved without court intervention;
- 5 2. Amylin's pending certification and production (and EMA Submis-
6 sions) has been resolved;
- 7 3. AERs - Source Files and Databases. Plaintiffs have filed a Motion to
8 Compel which is set for hearing on October 9, 2014;
- 9 4. Health Canada and other foreign submissions. Plaintiffs have filed a
10 Motion to Compel which is set for hearing on September 29, 2014.
- 11 5. Non-clinical (and clinical) trials. The non-clinical trial information in
12 issue relates to the production of histology slides or images thereof.
13 The meet and confer process is continuing in this regard. The clinical
14 trial information in issue relates to SAS data. The meet and confer
15 process is also continuing in this regard;
- 16 6. Histology slides. This issue is part of item 5, above, and as indicated
17 is still being discussed by counsel in an effort to resolve this matter;
- 18 7. The addition of other custodians to the deposition list. The matter has
19 been resolved with Lilly, and a resolution is close with Amylin. A
20 Motion regarding additional custodians from Merck and Novo is set
21 for hearing on September 23, 2014;
- 22 8. "Ongoing" study results. This relates to four "blinded" cardiovascular
23 studies that are underway, where some reports of pancreatic cancer
24 have been reported. Discovery is problematic because the studies are
25 "blinded." The meet and confer process is continuing in this regard;
- 26 9. Written discovery regarding "outside" source information re: causa-
27 tion. This matter is resolved as the Court recently denied Plaintiffs'
28 Motion to Compel;

1 VI. THE COMMON BENEFIT FUND ORDER:

2 The Court has granted the motion to create the Common Benefit
3 Fund. An issue over terminology in Exhibit A to that order exists and
4 counsel are conferring in that regard. Counsel may submit a joint
5 motion to modify as needed or the court can resolve any remaining
6 issues at a future hearing. Counsel are also directed to file a companion
7 Common Benefit Fund Order in the JCCP.
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9 VII. THE NEXT STATUS CONFERENCE:

10 The Court will hold another telephonic status conference on **October**
11 **9, 2014, at 3:00 P.M.** which will follow the 2:00 P.M. telephonic
12 discovery hearing on that same date. Any call-in instructions, topics
13 for discussion, and a list of the individuals who will be appearing
14 telephonically must be submitted to the Court via e-file no later than
15 **October 7, 2014.**
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17 IT IS SO ORDERED.

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19 DATED: September 17, 2014

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22 Hon. Anthony J. Battaglia
23 U.S. District Judge
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