

the First Set of Discovery. As to the Second Set of Discovery, the parties have not been able to resolve pending disputes. Accordingly, the defendants intend to file a motion for a protective order. The defendants will file their motion for a protective order by December 21, 2012. The plaintiffs will file a responsive pleading by January 7, 2013. A reply, if any, will be filed by January 11, 2013. The matter will be addressed at the January 14, 2013 status conference.

Mikal Watts and Beth Rose report that, pending client agreement, any disputes pertaining to BII's objections to the PSC's are resolved. The parties will contact the Court by next week if any problems arise.

Seth Katz reports that document production under CMO 17 is progressing nicely. The parties are jointly requesting permission to modify some of the deadlines in CMO 17. The parties will negotiate any revisions to CMO 17 and present a proposed revision to the Court next week.

Dan Ball reports that the parties have begun to discuss issues pertaining to privilege and redaction logs. The parties hope to reach an agreement by December 28, 2012. If an agreement is reached, the parties will submit a proposed order to the Court at that time. If the parties are unable to reach an agreement by December 28, 2012 then a phone conference with the Court will proceed on January 7, 2013. If necessary, the parties will contact the Court to discuss whether formal briefing is needed to resolve any disputes.

Mikal Watts reports that the parties continue to negotiate and narrow issues pertaining to Defense Fact Sheets.

The parties are going forward with 30(b)(6) depositions. Presently, a BII 30(b)(6) deposition is scheduled for December 31, 2012. The parties report that a previous BIPI 30(b)(6) deposition and a BIPI 30(b)(6) deposition scheduled for December 20, 2012 may render the December 31, 2012 BII 30(b)(6) deposition unnecessary. If, however, the BII deposition continues to be necessary, the parties may ask the Court for an extension on that deposition.

With regard to treating physicians, Seth Kats reports that the parties are working to negotiate a procedure for dealing with treating physicians. Until that agreement is reached, the defendants will not contact any of the doctors identified in the plaintiff fact sheets. The plaintiffs and the plaintiffs' counsel, however, may communicate with the treating physicians. To the extent that a treating physician was previously contacted by BIPI or BII to serve as a consulting expert, the parties will discuss BIPI and BII's duty to disclose such information and the procedure for providing any such disclosures.

Mr. Richmond wants to ensure that the MDL and state courts maintain coordination. Mr. Watts reports that he is working to ensure that there is coordination amongst all of the jurisdictions.

The Next conference is scheduled for **January 14, 2013 at 3:00 PM.**