

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: PHILIPS RECALLED CPAP,
BI-LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS LIABILITY No. 21-mc-1230
LITIGATION. MDL No. 3014

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Transcript of Status Conference on October 17, 2023, in
the United States District Court, 700 Grant Street,
Pittsburgh, PA 15219, before Honorable Joy Flowers Conti,
Senior United States District Judge.

APPEARANCES:

For the Plaintiffs:	Sandra L. Duggan, Esq. Kelly K. Iverson, Esq. Steven A. Schwartz, Esq. Christopher A. Seeger, Esq. D. Aaron Rihn, Esq. Peter St. Tienne Wolff, Esq. David R. Buchanan, Esq. Shauna Itri, Esq. Elizabeth Pollock-Avery, Esq. Charles E. Schaffer, Esq. Caleb Seeley, Esq. Joyce Chambers Reichard, Esq. Alex M. Kashurba, Esq. Beena McDonald, Esq. Ian Sloss, Esq. Alyson L. Oliver, Esq.
For the Philips RS North America, LLC Defendants:	John P. Lavelle, Jr., Esq. Wendy West Weinstein, Esq. Steven N. Hunchuck, Esq.
For Other Philips Defendants:	Michael H. Steinberg, Esq. William B. Monahan, Esq. Tracy Richelle High, Esq. Elizabeth N. Olsen, Esq. Jonathan N. Kwortek, Esq. Sienna Liu, Esq. Connor D. Ferrall, Esq.
For Polymer Technologies, Inc:	Eric Scott Thompson, Esq.
Court Reporter:	Veronica R. Trettel, RMR, CRR U.S. Courthouse 700 Grant Street, Suite 5300 Pittsburgh, Pennsylvania 15219

1 P-R-O-C-E-E-D-I-N-G-S

2 Tuesday Morning, October 17, 2023

3 (In Open Court)

4 THE COURT: Good morning. Please be seated. This is
5 a status conference in In Re: Philips Recalled CPAP, BI-LEVEL
6 PAP and Mechanical Ventilator Products Litigation at MDL
7 No. 30-14.

8 The Court has received a joint notice identifying
9 those parties whose appearance is entered and would be
10 potentially speaking on behalf of the parties.

11 If there's anybody else that would like to have their
12 appearance entered, we do have a pad of paper up front.
13 Please come forward and sign your name, and your appearance
14 will be noted.

15 The Court has received a joint proposed agenda and
16 we'll start with that.

17 First of all is the discovery update and the status
18 and proceedings with Special Master Katz.

19 MS. ITRI: Good morning, Your Honor, Shauna Itri from
20 Seeger Weiss on behalf of the plaintiffs.

21 We received a substantial amount of documents. We
22 are working on going through those, analyzing and reviewing
23 them.

24 We have some depositions scheduled through -- in
25 October, this fall, and we are working on the schedule through

1 the first quarter of 2024. We have --

2 THE COURT: Don't talk so fast, please.

3 MS. ITRI: I'm sorry. We have hit some bumps in the
4 road with scheduling, but we are working productively with
5 Philips' counsel and Special Master Katz and smoothing those
6 out.

7 THE COURT: So the depositions, is that the problem?

8 MS. ITRI: Some trouble scheduling some depositions,
9 but we are working cooperatively.

10 THE COURT: It's going to become more difficult as we
11 approach the holiday season.

12 MS. ITRI: Yes, Your Honor.

13 MS. WEST FEINSTEIN: Good morning, Your Honor. Wendy
14 West Feinstein with Morgan, Lewis on behalf of Philips RS.

15 I agree with everything that Ms. Itri just said, and
16 I would just add that Special Master Katz has been very
17 helpful in assisting the parties and working through both the
18 written discovery issues and the deposition scheduling issues.

19 Then just to note a few points on discovery of
20 plaintiffs. Ms. Itri was discussing mostly the discovery of
21 defendants. Discovery of plaintiffs is ongoing with respect
22 to the medical monitoring named plaintiffs. Special Master
23 Katz --

24 THE COURT: How many of those are there?

25 MS. WEST FEINSTEIN: So I believe there are about 60

1 or so, and then depending on what happens with the report and
2 recommendation on the motions to dismiss, that number may
3 change, but right now, we're engaging in discovery on all of
4 the currently named plaintiffs in the medical monitoring
5 complaint.

6 Written discovery, we have not yet begun depositions
7 of those named plaintiffs, but the defendants do intend to
8 take depositions at some point of those parties.

9 THE COURT: What I would like from the parties is
10 with respect to the personal injury complaint and the medical
11 monitoring complaint, I would like for each complaint just a
12 listing of the claims and who they are asserted against. Not
13 the complaint itself. But just a listing of all of the claims
14 and the defendants as to each claim.

15 MS. WEST FEINSTEIN: Excellent.

16 THE COURT: So if the parties could meet and confer
17 on that and submit that to the Court within two weeks, I would
18 appreciate it. It will help my analysis not only for this
19 case, but also for the personal injury case that I'm going to
20 hear afterwards, but I think it would be -- it's such a
21 daunting task to look through -- you sort of get lost as you
22 go on and on and on with the lengthy master complaints.

23 So if I just have sort of a listing claim one, claim
24 two, claim three, and who the defendant is in each of those
25 claims it would be good.

1 MS. WEST FEINSTEIN: Absolutely, Your Honor. We're
2 happy to do that. That's the update on discovery from our
3 perspective, Your Honor, and the proceedings with Special
4 Master Katz as to discovery.

5 THE COURT: Okay. Thank you.

6 MS. WEST FEINSTEIN: Thank you.

7 THE COURT: Okay. The motion to adjourn the remand
8 motion briefing schedule, and there was only one objector to
9 this. Is that counsel here?

10 MS. WEST FEINSTEIN: I do not believe so, Your Honor,
11 and we have not -- other than the filings, we have not
12 corresponded or discussed the motion with that single
13 objector.

14 THE COURT: I looked -- you know, they are basically
15 arguing that they don't have an economic loss claim, and I
16 took a quick look through their underlying complaint, and it's
17 for a breach of warranty, and I always thought that was an
18 economic loss claim. Although, they are claiming damages
19 under their -- for personal injury and emotional distress and
20 that kind of thing.

21 So I just think I need some analysis. I think there
22 is an economic loss claim in here. So somebody has to address
23 that with the Court. So if you could have a response to -- a
24 reply to their response and lay out whether there are any
25 economic loss claims in this complaint because it strikes the

1 Court that they are likely to be that way. So I don't know if
2 the plaintiffs have a view on that or not.

3 MR. BUCHANAN: Your Honor, I wasn't going to speak to
4 the merits of the issue you just said raised, but just in
5 terms of communicating back to plaintiff's counsel in that
6 case, we'll let them know that you raised that issue. Do you
7 want anything supplementally from plaintiff's counsel or do
8 you want to wait --

9 THE COURT: They could do that, too. And also, I
10 think -- and I'll just put this on the record. You know, one
11 of the other distinctions, they say that this is not unlike
12 some of the other motions to remand that I saw. There's a
13 third party in here, which is the distributor. The one in
14 California, it was the doctor who was the prescribing doctor,
15 and in here, they have a distributor.

16 Now, the economic loss claims do not encompass the
17 distributors, is that correct, or are they being released?

18 MR. BUCHANAN: I don't believe -- oh, in the class
19 settlement?

20 THE COURT: Yes.

21 MR. BUCHANAN: I would have to refer to my counsel.
22 They are subject to the release.

23 THE COURT: Okay. So they're going to be subject to
24 the release. So I think they could still be stayed with the
25 other cases until this has resolved.

1 Now, for personal injury claims, you know, there's --
2 that's a different issue. But if the distinction is that they
3 have this claim against a third party, but if they're a
4 distributor and they are going to be released and there are
5 economic claims in there, I don't see that they are different
6 from the other cases that the motions to remand were filed
7 with and that have not objected to the continuance.

8 MR. BUCHANAN: What would you like sequencing to be
9 on this, Your Honor? I'm not sure whether the plaintiffs are,
10 indeed, pursuing -- there may be different damages available
11 under their warranty claim. You can, perhaps, get damages for
12 the personal injury separate from economic loss, but it may
13 not be clear how they pled it.

14 THE COURT: I don't know. I just -- I mean, if it's
15 a breach of warranty, that's usually covered by the Uniform
16 Commercial Code, and your remedies are going to be there, and
17 I don't think you get personal injury damages for breach of
18 warranty. That's a contract kind of claim, at least my
19 rudimentary understanding of the Uniform Commercial Code.

20 MR. BUCHANAN: There are some states, Your Honor,
21 with regard to implied. I'm not sure exactly what warranty
22 you're raising, but --

23 THE COURT: Well, in Kentucky, they have --

24 MR. BUCHANAN: I think it may be better for me just
25 to pass along your comments to plaintiff's counsel, Your

1 Honor, and if you just advise --

2 THE COURT: Breach of warranty. They said that they
3 were expressly or impliedly warranting that the device as
4 merchantable and fit for the ordinary purpose for which the
5 product was used -- for the purpose for which it was used. So
6 I don't know. Then they go on and just talk about the
7 breaches caused the injuries and the damages. So I don't know
8 enough about their --

9 MR. BUCHANAN: How would you like this to be
10 sequenced, Your Honor?

11 THE COURT: Well, there should be a reply, okay, and
12 if there's something unique about Kentucky law that's
13 different from the others, you know, what happens to these
14 breach of warranty claims as a result of the settlement. I
15 guess that's my question.

16 MR. BUCHANAN: We'll certainly pass along your
17 comments, Your Honor, and I'll ask them to confer with
18 Ms. Feinstein.

19 THE COURT: Maybe that's a question for the
20 settlement, how is the use affected.

21 MS. DUGGAN: Good morning, Your Honor. Sandra Duggan
22 for the plaintiffs.

23 I would argue, Your Honor, that in light of the stay
24 that you entered, that any claims for an economic loss in this
25 litigation would, in fact, be stayed pending final approval of

1 the settlement.

2 THE COURT: But it's not clear from the complaint --
3 you know, like I said, my rudimentary understanding of the
4 breach of warranty is that it sounds in contract, and you are
5 limited by the remedies of the Uniform Commercial Code. Has
6 Kentucky adopted the Uniform Commercial Code? Almost every
7 jurisdiction has, but I don't know enough about Kentucky law.

8 MS. WEST FEINSTEIN: Your Honor, we are happy to
9 prepare and file a reply, but I'll just note and a reminder
10 for everyone that the relief we are seeking is only holding
11 these motions in abeyance, a temporary stay until the opt-out
12 period. Right?

13 So if this particular plaintiff has a hybrid claim, a
14 personal injury element and an economic element, there's no
15 prejudice to them if they wait until -- the Court waits until
16 the opt-out period, they can opt in or opt out of the economic
17 loss and then brief.

18 THE COURT: The discovery is still going apace here,
19 and they did file a short form complaint in this case.

20 MS. DUGGAN: And the personal injury actions are not
21 stayed. They are going forward and they are expressly carved
22 out of the settlement.

23 THE COURT: Maybe you can talk to them about that.

24 MS. DUGGAN: We will communicate with plaintiffs'
25 counsel.

1 THE COURT: They did file a short form complaint in
2 this case. So they are seeking, you know, I think the benefit
3 of this litigation for themselves with all the discovery, it's
4 going to be very expensive for them to undertake this
5 independently. So maybe they don't understand what the stay
6 is about.

7 MS. DUGGAN: That could very well be, Your Honor, and
8 for leadership, we will communicate with the individual
9 plaintiff's counsel and advise them of what happened here, as
10 well as the deadline of two weeks to file a reply.

11 THE COURT: And maybe they are content if they
12 understand that the stay doesn't affect the personal injury,
13 that that's going apace here, and there's full-blown activity
14 by the plaintiff's counsel to pursuing those claims.

15 MS. WEST FEINSTEIN: And, Your Honor, if I may, it
16 might be worth trying to reach an agreement with this
17 particular plaintiff rather than burdening the Court with a
18 reply.

19 THE COURT: You could do that, right.

20 MS. WEST FEINSTEIN: So if we could have a week or
21 two to try to work an agreement?

22 THE COURT: You can have two weeks. You can file
23 your reply within three weeks. So try to meet and confer, see
24 what the problem is. Others seem to be satisfied. They
25 haven't objected.

1 And so the stay is going to be continued until I
2 resolve the motion for the extension of the period to respond
3 to the motions for remand. So they will not have to file a
4 response until this last objection is resolved. Okay.

5 MS. WEST FEINSTEIN: Thank you, Your Honor.

6 MS. DUGGAN: Thank you, Your Honor.

7 THE COURT: Okay. Thank you.

8 MS. WEST FEINSTEIN: I'm just going to stay to the
9 side because I'm up next, too.

10 THE COURT: Okay. Now we have the FDA's request for
11 additional testing on recalled devices.

12 MS. WEST FEINSTEIN: Thanks, Your Honor. It's a lot
13 of me today on behalf of Philips Respironics until the LDC
14 report.

15 So we wanted to provide the Court with just a brief
16 update with the latest information on Respironics testing
17 program and feedback that the company received from the FDA.

18 As we've discussed with the Court previously, FDA
19 required Respironics to publish all available testing results,
20 third-party confirmed conclusions on the findings of that
21 testing of the PE-PUR foam.

22 Two weeks ago, following up on the testing provided
23 to date, we met with the FDA representatives of the company,
24 as well as some outside counsel.

25 The FDA confirmed that it had reviewed the test data

1 and the conclusions submitted by Respiroics on foam that was
2 used in the majority of the recalled devices.

3 After that meeting, after FDA issued a press release
4 regarding the meeting, and FDA characterized -- and that press
5 release was dated about I think October 5th.

6 FDA characterized Respiroics testing as independent
7 and extensive and, notably, FDA did not express any concerns
8 with the validity or objectivity of the testing done to date,
9 but at least as of right now, FDA did not believe that the
10 testing and analysis conducted to date was sufficient to fully
11 evaluate any potential risks to users.

12 So the FDA stated it believed certain additional
13 testing should be completed and is necessary to support
14 Respiroics' conclusion that no appreciable harm to patients
15 exists.

16 So importantly, and helpfully, FDA provided guidance
17 to Respiroics on the additional data they would like to see,
18 and Respiroics committed to conduct that additional testing
19 and to developing and sharing proposed protocols with the FDA
20 to align with the agency's request for additional data.

21 Respiroics was pleased and welcomed this information
22 from the FDA and is very eager to begin that additional
23 testing.

24 The company has already submitted proposed test
25 protocols to FDA addressing the additional data that FDA has

1 requested, and the company is awaiting FDA's feedback before
2 it begins that additional testing.

3 Now, also FDA continues to require Respironics
4 maintain prominently-displayed information regarding the risk
5 of ozone cleaners on the recalled devices.

6 And so that's the latest update. We'll continue to
7 provide additional updates to the Court as the company and the
8 FDA work further on a supplemental testing plan, but we wanted
9 to make sure that Your Honor and the Court was aware of the
10 progress being made with FDA to date. Thank you.

11 MS. IVERSON: Your Honor, Kelly Iverson on behalf of
12 plaintiffs.

13 Your Honor, a Class 1 recall only occurs when there
14 is a reasonable probability that a product will cause serious
15 adverse health consequences.

16 We were not surprised by the October 5th notice by
17 the FDA that they have reaffirmed this as a Class 1 recall or
18 that the FDA took issue with Philips' testing and its
19 conclusions.

20 As we have said, each time they've come here, we have
21 continued to believe that it's not appropriate to bring these
22 matters to the court, that these are for experts to deal with
23 at a later date, and plaintiffs maintain that position.

24 Thank you, Your Honor.

25 THE COURT: Thank you. Okay. Negotiations of the

1 schedule for the personal injury track.

2 MR. BUCHANAN: Your Honor, Dave Buchanan for
3 plaintiffs.

4 We've sharpened I think our schedule up. The
5 defendants and plaintiffs have extended competing proposals.
6 We had a further conferral yesterday. I think we're fairly
7 close at this point.

8 We've tried to take a count of the production pace,
9 the witness pace and how we're doing in discovery.

10 THE COURT: So what's your outside end date?

11 MR. BUCHANAN: In terms of wrapping up the general
12 causation-related disclosures, sometime -- I'm sorry. General
13 causation discovery, wrapping up in the spring, Your Honor,
14 and a full wrap up of general discovery in the summer. So,
15 you know, backing that up a few months after general
16 causation.

17 THE COURT: Okay. Thank you.

18 MS. WEST FEINSTEIN: Thank you, Your Honor. I would
19 just add to what Mr. Buchanan said, that Special Master Katz
20 was very helpful in helping us bridge a couple of issues, but
21 we have had very productive discussions not only with the
22 special master --

23 THE COURT: Is that schedule going to be presented to
24 the Court then?

25 MS. WEST FEINSTEIN: It will we think hopefully later

1 this week or early next is our goal.

2 MR. BUCHANAN: I think so, Your Honor. It certainly
3 will be here by I think next week.

4 THE COURT: Okay. Thank you.

5 MR. BUCHANAN: Thank you.

6 MS. WEST FEINSTEIN: Thanks, Your Honor.

7 THE COURT: The state court litigation.

8 MS. WEST FEINSTEIN: Thank you, Your Honor.

9 So in Massachusetts, there are currently 19 total
10 actions pending. Five have been consolidated and the
11 defendants are seeking the consolidation of the other 14.

12 THE COURT: Are they all in the same court or
13 different courts?

14 MS. WEST FEINSTEIN: It is my understanding that they
15 are, Your Honor, and maybe a few outliers, but the majority
16 are in the same court, and we're seeking special assignment to
17 Judge Barry Smith, who has been handling those five
18 consolidated.

19 The application for special assignment to Judge Barry
20 Smith is pending, but it has been filed and then resubmitted
21 to the chief justice. So we hope for a ruling there soon.

22 And also so Your Honor is aware, the Massachusetts
23 plaintiffs have been attending some depositions. They are
24 being -- we're communicating with them about the scheduling of
25 depositions so that they are aware.

1 THE COURT: So they are coordinating that.

2 MS. WEST FEINSTEIN: Exactly. We're coordinating
3 with them. They have attended a couple in person and I
4 believe another by phone.

5 They haven't actively participated yet, but we have
6 worked through a protocol with them so that they can
7 participate and glean the information from those depositions
8 as the plaintiffs in this litigation do. Thank you.

9 MR. BUCHANAN: Your Honor, Dave Buchanan again.

10 There have been no issues with regard to
11 coordination. At this point it's been largely their
12 attendance at depositions.

13 We have experienced, because there are several
14 coordinated actions here, depositions extending beyond the
15 day. I think that's to be expected when you've got witnesses
16 who are being noticed once for multiple cases.

17 So to the extent they get more active, then perhaps
18 that may extend things, but I think they have a limited period
19 for their examinations to the depositions.

20 So it's been running smoothly so far. I note they
21 have not yet received documents. So their participation has
22 been I think more one of watching than actively questioning at
23 this point.

24 THE COURT: I have reached out to Judge Smith, I
25 think it was about twice. So do I need to call him again or

1 do you think things are going well as can be expected?

2 MR. BUCHANAN: Not from plaintiffs' perspective, Your
3 Honor. Everything is fine.

4 MS. WEST FEINSTEIN: From defendant's perspective,
5 Your Honor, I don't think there's a need for you to call.
6 Obviously, if the Court would like to --

7 THE COURT: I have offered him to call me if he needs
8 to or if he thinks there's more active interplay that the
9 judges need to do to make things go smoothly. So I have
10 offered that to him.

11 MS. WEST FEINSTEIN: Thank you. The parties
12 appreciate that very much.

13 And on the document point that Mr. Buchanan raised,
14 it is my understanding that the hard drives have been
15 prepared. It's a significant amount of data and it took some
16 time -- apparently how they needed to receive it was a little
17 less high tech than how the parties in the MDL have been
18 exchanging information.

19 So it's my understanding that those hard drives are
20 finally available and will be provided to those plaintiffs
21 either today or some time this week, but they are ready.

22 MR. BUCHANAN: I'm happy to let them know.

23 THE COURT: Okay. Thank you. Update on census
24 registry.

25 MS. WEST FEINSTEIN: This is the last you'll hear

1 from me for now.

2 So as of yesterday, Your Honor, there are 54,318
3 census registrants.

4 MS. REICHARD: Good morning, Your Honor. Joyce
5 Reichard for plaintiffs.

6 We don't dispute that number at all. We do expect it
7 to continue to rise.

8 THE COURT: Okay. Thank you.

9 MS. WEST FEINSTEIN: Thank you.

10 THE COURT: Leadership development update.

11 MR. SLOSS: Good morning, Your Honor. Ian Sloss for
12 plaintiffs. I can be brief.

13 My colleagues on the LDC have all reported they are
14 very busy and happy with their assignments. Personally, I've
15 been participating in both offensive and defensive discovery,
16 and I'm also very happy and busy.

17 THE COURT: So you've been engaging and have been
18 able to learn from the process so far?

19 MR. SLOSS: Yes, absolutely. I've also found the
20 sessions with Special Master Katz particularly enlightening.

21 THE COURT: Okay. Good. Thank you.

22 MR. SLOSS: Thank you.

23 MR. HUNCHUCK: Good morning, Your Honor. My name is
24 Steve Hunchuck from Morgan, Lewis & Bockius. I will be giving
25 a brief update on behalf of Philips RS.

1 I just want to thank the Court and my colleagues for
2 the chance to speak in front of you again. This is the second
3 leadership development committee update I provided to Your
4 Honor, and it still stands true that we in Pittsburgh are
5 hosting some of the nation's top legal talent, including
6 talent of our very own for this important MDL.

7 So a lot has happened since the last time I addressed
8 the Court back in May. Since then, we have seen multiple
9 reports and recommendations, depositions, and many, many
10 documents.

11 I personally have been working with a talented team
12 driving our affirmative discovery strategy, including
13 negotiation with the plaintiffs, teeing up issues from the
14 special master and planning future discovery needs, including,
15 for example, developing internally our deposition strategy for
16 the medical monitoring plaintiffs and refining our expert
17 witness strategy; both components involving interoffice and
18 cross-firm collaboration, which has been a great experience
19 for me.

20 So with that, I'm grateful for the opportunities this
21 MDL has provided and look forward to my continuing
22 development.

23 THE COURT: What year of an associate are you?

24 MR. HUNCHUCK: I'm entering my sixth year now, Your
25 Honor, which is pretty crazy to believe.

1 THE COURT: It goes fast.

2 MR. HUNCHUCK: It really does. Thank you.

3 MR. FERRALL: Good morning, Your Honor. Conor
4 Ferrall on behalf of the non Respironics defendants.

5 I want to start by thanking you for giving me the
6 opportunity to speak. I just hit actually the two-year mark
7 at our firm last month, and I started in our corporate group,
8 and the opportunities that I have had in this case have helped
9 me not only catch up to my peers, but get experience beyond
10 what I would have ever expected in two years at a firm and
11 particularly in connection with the hearing that we are going
12 to have later today.

13 THE COURT: You have been working on the personal
14 jurisdiction?

15 MR. FERRALL: Relatively closely. We have such a
16 great team. One experience that's really stood out -- and
17 I've worked with my colleagues Beth and Bethany who,
18 unfortunately, can't be here today but had such a large part
19 in this hearing, and this started, you know, back in May when
20 they filed oppositions and they filed the report of Matthew
21 Dundon, and Beth and Bethany and I got together and we went
22 line by line, exhibit by exhibit and figured out, you know,
23 how are we going to respond to this report of Matthew Dundon,
24 and then when Your Honor asked for a more full record on the
25 experts, we got the opportunity to engage in deposition prep,

1 and it was Beth's first offense at deposition, and I got to be
2 a part of helping her prepare for that opportunity, and then,
3 you know, we were really excited to get the team back together
4 to prepare a cross for Your Honor to see. So we were pretty
5 disappointed to hear that neither Dundon, nor Garbe are
6 actually going to be at the hearing today, but really I think
7 leading up to the hearing and throughout the whole
8 opportunity, we just had so many good experiences to develop
9 as associates and to learn more things about the practice.

10 THE COURT: Thank you.

11 MR. FERRALL: Thank you so much.

12 THE COURT: So I have one last thing, and that's the
13 date for the hearing in November. It's going to be on
14 November the 9th; is that correct?

15 MR. MONAHAN: Yes.

16 THE COURT: Everybody is satisfied with that because
17 I thought it was going to be later in the month because I had
18 to move that, but if everybody is okay with the 9th, I think
19 we're still all right with that. We'll start at -- can I see
20 my law clerk for a minute?

21 (Pause noted)

22 THE COURT: I double-booked something else that day,
23 but I'll move that other item so that we can keep that date.
24 We'll take care of that. Okay. So I think that should be no
25 problem then.

1 So anything else for the status conference? Okay.
2 Then I think we need to get ready for the evidentiary hearing
3 on personal jurisdiction.

4 MR. BUCHANAN: We're prepared to proceed.

5 THE COURT: We can take a break and let everybody
6 move their materials around.

7 (The hearing concluded.)

8 C E R T I F I C A T E

9 I, VERONICA R. TRETTEL, RMR, CRR, certify that
10 the foregoing is a correct transcript from the record of
11 proceedings in the above-entitled case.

12 \s\ Veronica R. Trettel
13 VERONICA R. TRETTEL, RMR, CRR
14 Official Court Reporter

15 10/18/2023
16 Date of Certification
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