

III. Trust Account

Since the last status conference, there has been no activity with respect to the Trust Account.

IV. Trial Schedule

DLC provided an updated trial schedule to the PLC on April 18, 2005.

V. Pharmacy Indemnity Agreements

There have been no pharmacy indemnity agreements executed by defendants since the last Status Conference. DLC will continue to furnish copies of all MDL pharmacy indemnity agreements if and when they are executed.

VI. MDL Mediation and Resolution Program

The enrollment process is complete and the minimum levels of enrollment have been met. On April 13, 2005, an official notice to this effect was issued by the PSC and posted on the Court's website. Thus, the time in which to submit Claim Forms has begun and will run until August 11, 2005. The Special Master's Office is mobilizing itself to receive the Claim Forms and medical record. The Court has also updated its website with a revised Claim Form with the corrected service information. In addition, the balance of the funds for the Administrative Fund has been deposited, and the initial funds for the Settlement Fund will be deposited by the due date April 25, 2005. The parties have provided to the Escrow Agent an Escrow Agreement for the Settlement Fund. PLC is negotiating the Escrow Agreement for attorneys' fees and expect to have this resolved by the status conference April 26, 2005, so that attorneys' fees provided under the Term Sheet can timely be deposited with the Escrow Agent.

The PLC and defendants continue to discuss a number of issues that have arisen during the course of the enrollment process, such as pro se plaintiffs, plaintiffs/claimants whose location

is now unknown and plaintiffs/claimants who desire to participate in the MDL Program but may not qualify under the Term Sheet.

Each week, the Special Master holds a telephone conference with the parties to discuss the administration of the Resolution Program.

The parties will be prepared to discuss these issues further at the April 26, 2005 Monthly Status Conference.

VII. Global Application of Daubert

The parties have had no further discussions regarding this matter and the matter is on hold pending the outcome of the MDL's Settlement Program.

VIII. Motion for Summary Judgment

PLC advised the Court that it will not be filing a Motion for Summary Judgment regarding Johnson & Johnson's liability. PSC is providing notice to all plaintiffs regarding this. The parties will be prepared to discuss this further at the April 26, 2005 Monthly Status Conference.

IX. Pro se Plaintiffs

DLC will provide to the Court an updated listing of pro se plaintiffs that are active in this litigation at the monthly status conference on April 26, 2005. The parties will endeavor to present to the Court at the next MDL conference a proposed Order setting forth procedures for notice to pro se plaintiffs and suggestions for how their cases should be managed from this point forward.

X. Verilaw/Lexis Propulsid Litigation Migration

On April 11, 2005, the Propulsid information that had been electronically uploaded to Verilaw was successfully migrated to the Lexis/Nexis File-N-Serve system. The parties will be prepared to discuss this at the April 26, 2005 Monthly Status Conference.

XI. Remand Motions

In accordance with the Court's order, the Defendants are filing an opposition to the remand Motions filed in the matters of *Helena Masluk*, Docket No. 04-1278, *Marion Bucaria for the Estate of Thomas Bucaria*, Docket No. 04-1277 and *Judy Ridgway for the Estate of Kenneth Ridgway*, Docket No. 04-1809, and seek to have them heard at next month's status conference.

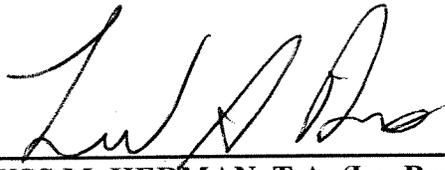
In addition, the Defendants are filing Motions for Summary Judgment in four other Weitz & Luxenberg cases, which the Defendants also seek to be heard at next month's status conference.

As discussed at last month's status conference, as to the cases which have not had sufficient case-specific discovery, the defendants request the entry of an order directing that case specific discovery be permitted and by the parties best efforts should be completed within 120 days so that the parties can determine whether those cases are also subject to Motions to Dismiss before the Court entertains applications to remand. The parties will be prepared to discuss this at the April 26, 2005 Monthly Status Conference.

XII. Proposed Remand Order

Defendants are preparing a first draft of a proposed Master Remand Order and will endeavor to circulate it to the PSC before the April 26, 2005 conference.

Respectfully submitted,



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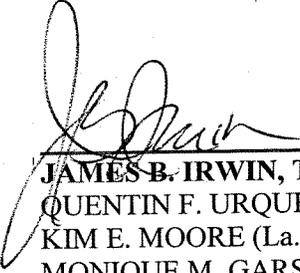
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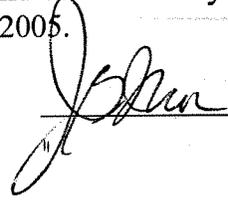
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 40 of Plaintiffs' and Defendants' Liaison Counsel was served on Defendants' Liaison Counsel by hand and e-mail and by e-service to all parties by uploading same to Verilaw, on this 22nd day of April 2005.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: PROPULSID
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO
ALL CASES

: MDL NO. 1335
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: SECTION: L
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: JUDGE FALLON
: MAG. WELLS ROBY
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Monthly Status Conference
April 26, 2005- 9:00 a.m.

AGENDA

Current Matters:

1. State Liaison Counsel
2. Service List of Attorneys
3. Trust Account
4. Trial Schedule
5. Pharmacy Indemnity Agreements
6. MDL Mediation & Resolution Program
7. Global Application of Daubert
8. Motion For Summary Judgment
9. Pro Se Plaintiffs
10. Verilaw/Lexis Propulsid Litigation Migration
11. Remand Motions

12. Proposed Remand Order