

litigations. The State Court Counsel Committee will report to the Court regarding the efforts of the Committee at the January 28, 2003 monthly status conference.

III. Patient Profile Form and Authorization

As of January 17, 2003, Defendants have received 1,523 Patient Profile Forms (PPFs). 169 are currently overdue, and 1 PPF will become due within thirty (30) days. PLC and DLC continue to communicate directly with plaintiff counsel whose PPFs are overdue. DLC is preparing a Motion to Dismiss with Prejudice as to all PPFs which are delinquent. DLC will file the Motion immediately following the January 28, 2003 Monthly Status Conference and will notice the Motion for hearing at the next Status Conference.

IV. Service List of Attorneys

The parties will present the Court with the most current Master List of all Counsel, which will contain, where available, e-mail addresses.

V. Ongoing Studies/Subpoena to BevGlen

PLC and DLC have nothing to report on this matter. This item should be removed from the Agenda.

VI. Third Party Subpoena Duces Tecum

On December 18, 2002, the PLC in the MDL served a subpoena duces tecum on Defendants's expert, Dr. Douglas Zipes for documents identified by Dr. Zipes in his deposition taken on November 26, 2002 in the state court matter of *Calvert v. Janssen Pharmaceutica*, pending in the Superior Court of the State of California, County of Napa. The response was due January 6, 2003. Defendants objected to the subpoena and the parties are discussing resolution of the objection.

The subpoena duces tecum issued in the MDL requests documents and things in addition to

those requested in the notice of deposition issued in connection with the Zipes deposition in the Calvert state court case. Defendants have advised that plaintiffs in the state court Calvert matter are seeking additional documents in connection with the notice of deposition issued in the Calvert case. Defendant's advise that, whatever documents Defendants produce in the Calvert matter will be produced to the PLC in the MDL. PLC has requested that all documents responsive to the subpoena duces tecum issued to Dr. Zipes in the MDL should be produced to the PSC. The parties will be prepared to discuss this at the January 28, 2003 monthly status conference.

On January 8, 2003, PLC wrote to DLC regarding a subpoena duces tecum issued to Sciens Worldwide Medical Association on October 1, 2002. The response to the subpoena was deficient despite the PLC's letter of December 9, 2002 to David Hahn (the principal at Sciens who PLC understood was responsible for complying with the subpoena) outlining the failures to comply with the subpoena. On July 15, 2002 counsel for Defendant advised that a number of Sciens boxes had been located that possibly contained documents response to the subpoena and that the boxes were to be reviewed. PLC has not received documents responsive from Sciens fully responsive to the October 1, 2002 subpoena duces tecum. The parties will be prepared to discuss this at the January 28, 2003 monthly status conference.

On January 2, 2003, Roy Amadee was provided from DLC a copy of the "Madigan Report" that DLC had obtained pursuant to a subpoena issued by DLC. PLC has been advised by Roy Amadee that this report was obtained by DLC in connection with Dr. Shell, one of the experts in the Diez, Brock and Reed cases set for trial in March 2003. PLC has been advised that the individual that provided the Madigan Report was the former corporate counsel of NeutraCorp and that the report was confidential attorney-client privilege. Mr. Amadee advised that the report should not

have been disseminated and that Dr. Shell's personal attorney in California is presently seeking an order regarding its use and prohibiting any dissemination or distribution of the report. On January 3, 2003, Mr. Amadee wrote DLC and requested that the report not be disseminated until the matter was addressed by the Court in California where Dr. Shell is requesting such an order. Mr. Amadee has advised that he will be present at the monthly status conference on January 28, 2003 to advise the Court on this matter.

VII. Motion on Class Certification.

The parties have agreed that a hearing on class certification should be deferred until additional electronic discovery is complete. The parties will be prepared to discuss this further at the January 28, 2003 Monthly Status Conference.

VIII. Plaintiffs' and Defendants' Respective Requests for Production of Documents

On October 9, 2002, PLC served upon DLC Plaintiffs' "Merits" Request for Production of Documents and Interrogatories - Set No. 6. On December 23, 2002, and December 31, 2002 Defendants produced to PLC minutes from Johnson & Johnson and Janssen Board meetings. Defendants are producing additional minutes from Janssen Beerse on January 22, 2003 and will complete production of such minutes by mid-week of January 27, 2003.

On November 22, 2002, PLC served upon DLC Request for Admissions and Interrogatory regarding business records of Defendants. Such request was accompanied by a CD which contained the bates numbers of every document Defendants have produced in this litigation. On December 16, 2002, DLC responded to PLC in writing objecting that the request was over broad as it addressed the 1.7 million documents produced thus far. Since such time, in an attempt to avoid discovery disputes, on January 7, 2003 PLC submitted to DLC a list of documents, totaling approximately

4,000 and requested that DLC respond to the Admissions and Interrogatories as related to just these first wave of documents. DLC has objected to responding to the 4,000 documents. The parties will be prepared to discuss this further at the January 28, 2003 Monthly Status Conference.

PLC previously filed with the Court a Motion to Compel regarding Norcisapride. The parties have been engaged in the additional discovery that was agreed upon. At the present time, there is no action to be taken regarding this motion, and, upon completion of the agreed upon discovery, the parties will advise the Court further.

On November 9, 2002, counsel for Richard Diez in the *Diez* case only, filed a Motion to Compel and for Sanctions as to the production of electronic calendars. The PSC was not a party to the motion or the hearing. The Court heard oral argument on such Motion and issued an Order denying the Motion on January 2, 2003. Since such time, plaintiff's counsel in the Diez matter has filed a Motion for Reconsideration. Per the Court's Order, plaintiff's counsel in the Diez matter has until January 31, 2003 to brief the matter. Further, DLC agreed that PLC would, without prejudice as to any time delays, be able to present to the court its reasons why the Diez order should be solely limited to the Diez matter and why the order should be reconsidered due to factual inaccuracies. The parties will be prepared to discuss this at the January 28, 2003 monthly status conference

IX. Shell/Morganroth Study

Defendants have received the certification of Dr. Shell. This matter can be removed from the Agenda.

X. 30(b)(6) Deposition of Defendants Regarding Studies

On December 31, 2002 Defendants produced a draft incomplete Access Database to PLC on disc. The disc contains a searchable database of the 800+ clinical studies that may be referenced by

the 30(b)(6) deponent in responding to the designations in the Notice of Deposition. Defendants advised that a complete final searchable database disc would be produced this month. The parties will be prepared to discuss this issue at the January 28, 2003 monthly status conference.

XI. Trust Account

The parties submitted a Joint Motion and Order to Supplement Pre-Trial Order No. 16 to establish the Plaintiffs' Litigation Fund. The Court signed such Order on January 15, 2003. PLC has requested that all funds retained by defendants to be deposited into the account be deposited. The parties will be prepared to discuss this at the January 28, 2003 monthly status conference.

XII. Declassified Documents

The Parties have prepared a Joint Motion and Order regarding the declassification of certain deposition exhibits, which they will present to the Court at the January 28, 2003 Monthly Status Conference.

On January 22, 2003 PLC filed with the Court a Motion for Relief of Confidentiality of Pretrial Order No. 5 seeking to declassify certain documents because experts desire to publish an article utilizing some documents previously designated by Defendants as confidential pursuant to PTO 5. The matter is pending before the Court.

XIII. Mediation

The parties continue to mediate cases with mediator, Patrick Juneau. Since the last status conference, the parties mediated multiple cases on December 18, 2002, January 13, 2003 and January 15, 2003. Thus far 12 cases have been mediated before Mr. Juneau and 7 have been resolved with Mr. Juneau. These include both MDL and state cases. The next mediation with Mr. Juneau is scheduled on January 29, 2003.

XIV. Trial Schedule

The parties continue to prepare for trial. Per the Court's docket, the defendants will present for hearing on February 3, 2003 a Motion for Summary Judgment in the Samantha Reed matter and a Daubert Motion in the Ernestine Brock matter. Counsel for Reed, Diez and Brock and counsel for Defendants have executed Consent Motions by which plaintiffs dismissed all of their non-LPLA claims.

XV. Pharmacy Indemnity Agreements

DLC has produced copies of all MDL pharmacy indemnity agreements which Defendants have executed. DLC will continue to furnish such agreements, if any, as they are executed.

XVI. Verilaw

The parties have had no further communication from Verilaw since the last status conference.

New Items

XVII. Dismissal of Pro Se Plaintiff, Reynaldo Perez

Defendants are considering filing a Motion in the MDL to dismiss Mr. Perez's claim for his failure to abide by two prior Orders from the transferor Court regarding proper service of his petition. PLC advises it has received a Verilaw submission from Mr. Perez. The parties will be prepared to discuss this further at the January 28, 2003 Monthly Status Conference.

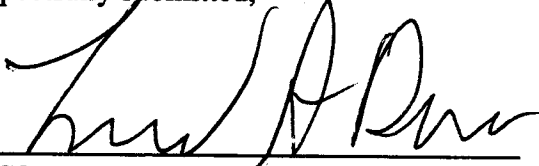
XVIII. End Game Planning Committee

The plaintiff and defendant members of this Committee have met twice since the November 25, 2002 status conference and plan to meet again. The parties will be prepared to discuss this at the January 28, 2003 monthly status conference.

XIX. Agenda

A proposed Agenda for the January 28, 2003 Monthly Status Conference is attached.

Respectfully submitted,



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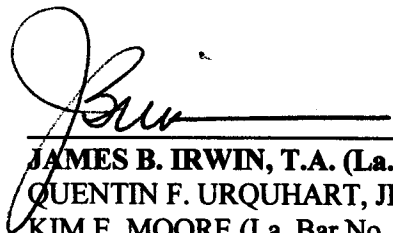
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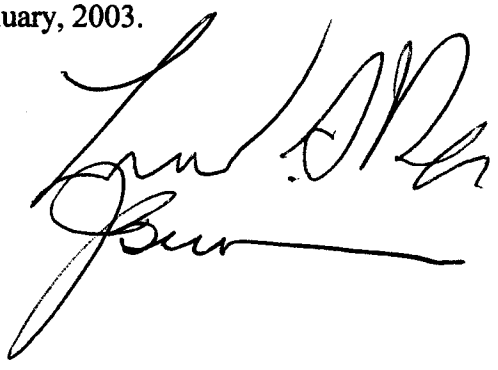
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 20 of Plaintiffs' and Defendants' Liaison Counsel was served on Plaintiffs' Liaison Counsel by hand and e-mail and by e-service to all parties by uploading same to Verilaw, on this 24th day of January, 2003.



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE:	PROPULSID	:	MDL NO. 1355
	PRODUCTS LIABILITY LITIGATION	:	SECTION: L
		:	JUDGE FALLON
		:	MAG. WELLS ROBY
THIS DOCUMENT RELATES TO ALL CASES		:	

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<p>Monthly Status Conference January 28, 2003 9:00 a.m.</p>

AGENDA

Current Matters:

1. Update of Rolling Document Production and Electronic Document Production
2. State Liaison Counsel
3. Patient Profile Form and Authorization
4. Service List of Attorneys
5. Ongoing Studies/Subpoena to BevGlen
6. Third Party Subpoena Duces Tecum Issued by PSC
7. Motion on Class Certification
8. Plaintiffs' and Defendants' Respective Requests for Production of Documents

9. Shell/Morganroth Study
10. 30(b)(6) Deposition of Defendants Regarding Studies
11. Trust Account
12. Declassified Documents
13. Mediation
14. Trial Schedule
15. Pharmacy Indemnity Agreements
16. Verilaw

NEW ITEMS

17. Dismissal of pro se plaintiff, Reynaldo Perez
18. End Game Planning Committee

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