

Discovery. Defendants advised they have already produced the revised images and will produce the text files and data files the week of March 3, 2003. The parties will be prepared to discuss this at the March 7, 2003 status conference.

II. State Liaison Counsel - (Minute Entry, November 16, 2000)

PLC has actively participated in scheduling matters of depositions in the MDL in State Court litigations. The State Court Counsel Committee will report to the Court regarding the efforts of the Committee at the March 7, 2003 monthly status conference.

III. Patient Profile Form and Authorization

As of February 26, 2003, Defendants have received 1628 Patient Profile Forms (PPFs). 137 are currently overdue, and 476 PPFs will become due within thirty (30) days. PLC and DLC continue to communicate directly with plaintiff counsel whose PPFs are overdue. DLC filed a Motion to Dismiss with Prejudice as to 52 plaintiffs whose PPFs were delinquent as of February 13, 2003. Since such time, 22 plaintiffs have submitted PPFs, thus Defendants will withdraw the Motion as to these plaintiffs. Defendants will furnish the Court with the list of such plaintiffs at the March 7, 2003 Monthly Status Conference when the Motion to Dismiss is set for hearing.

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. Third Party Subpoena Duces Tecum

On February 7, 2003, DLC produced some documents responsive to the subpoena duces tecum that had been issued to Defendants' expert, Dr. Douglas Zipes, on December 18, 2002 by the PLC in MDL-1355. On February 19, 2003, PLC advised DLC of certain issues and deficiencies

regarding the production of documents by Dr. Zipes and requested a certification from Dr. Zipes. PLC is awaiting a response. The parties will be prepared to discuss this at the March 7, 2003 monthly status conference.

PLC has received documents responsive to the subpoena duces tecum served upon Sciens. PLC is awaiting receipt of a certification on the production.

On February 11, 2003 PLC serviced subpoena duces tecums on third parties (Ingenix (Successors to ERI); McKinsey & Company; The Degge Group; and MediCom Worldwide, Inc.). The subpoenas were returnable on February 26, 2003. Thus far, only MediCom and the Degge Group have responded. PLC is awaiting a reply from the remaining third parties.

VI. 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 March 7, 2003 Monthly Status Conference.

VII. 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. DLC has provided additional materials on an ongoing basis responsive to this discovery request. On February 26, 2003, DLC advised PLC the production is complete.

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. Thereafter on February 12, 2003, PLC delivered to DLC a more extensive listing of the documents broken down by Bates number, date, author, and title so that the Request for Admission and Interrogatory could be responded to. PLC is awaiting discovery responses. The parties will be prepared to discuss this further at the March 7, 2003 Monthly Status Conference.

On January 24, 2003, PLC served upon DLC Plaintiffs' "Merit" Interrogatories to Defendants, Janssen Pharmaceutica, Inc. and Johnson & Johnson - Set No. 7. PLC is awaiting a reply. The parties will be prepared to discuss this further at the March 7, 2003 monthly status conference.

On February 17, 2003, PLC served upon DLC a Motion to Compel Production of Documents of Sale Force. The parties will meet and confer regarding the documents requested. The parties will be prepared to discuss this further at the March 7, 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.

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

On February 7, 2003 Defendants produced the final Access database concerning studies which included a field for disclosure to FDA. The parties will be prepared to discuss this issue at the March 7, 2003 monthly status conference.

IX. Trust Account

In accordance with Pretrial Order No. 16 Defendants have deposited settlement funds into the Court's Registry. The parties will be prepared to discuss this at the March 7, 2003 monthly status conference.

PLC has written DLC regarding a check from the law firm of Williams, Dialely, O'Leary, Craine & Love, P.C. that needs to be deposited into the Registry of the Court. DLC returned the check to Williams, Dialely, O'Leary, Craine & Love, P.C. as the check was issued for the wrong amount. The parties will be prepared to discuss this at the March 7, 2003 monthly status conference.

X. Declassified Documents

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. DLC filed a response. The matter is pending before the Court.

XI. Mediation

No mediations have occurred since the last status conference. PLC has inquired if additional meditations are desired by DLC. Defendants have been unable to schedule additional mediations due the pending trials in Louisiana and California. On February 27, 2002, defendants advised that nine mediations can be scheduled following the upcoming Louisiana and California trials. PLC has inquired whether additional mediations will be scheduled.

XII. Trial Schedule

Defendants and plaintiffs' counsel for the Diezes and Ms. Brock are completing the final preparations for the March 17, 2003 and April 7, 2003 trials. The parties met and conferred on

February 25, 2003 to exchange exhibits and discuss the final Pre-Trial Order. The parties will submit the Order on Wednesday, March 5, 2003 and will meet with the Court on Friday, March 7, 2003 for the final pre-trial conference.

XIII. 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.

XIV. Verilaw

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

XV. End Game Planning Committee

The parties will be prepared to discuss this at the March 7, 2003 monthly status conference.

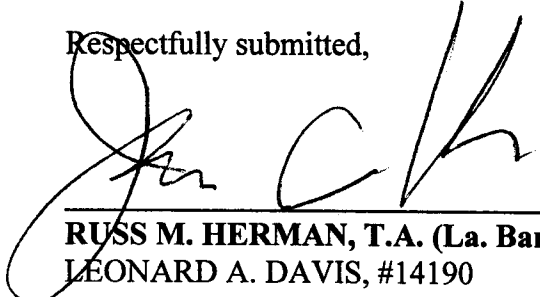
XVI. Motion to Reconsider/January 2, 2003 Minute Entry

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 on January 2, 2003 denying the Motion. Since such time, plaintiff's counsel in the *Diez* matter has filed a Motion for Reconsideration, which Defendants have opposed. 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 have discussed the minute entry of January 2, 2003 and, being unable to agree on language, the PSC filed with the Court a Motion for Reconsideration. Both Motions for Reconsideration are scheduled for hearing at the March 7, 2003 monthly status conference.

XVII. Agenda

A proposed Agenda for the March 7, 2003 Monthly Status Conference is attached.

Respectfully submitted,



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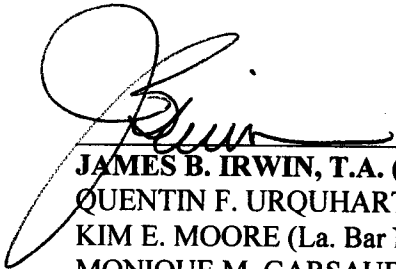
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 21 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 5th day of March, 2003.

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

IN RE: PROPULSID	:	MDL NO. 1355
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PRODUCTS LIABILITY LITIGATION	:	SECTION: L
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	:	JUDGE FALLON
	:	MAG. WELLS ROBY
THIS DOCUMENT RELATES TO ALL CASES	:	
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Monthly Status Conference March 7, 2003 9:00 a.m.

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. Third Party Subpoena Duces Tecum Issued by PSC
6. Motion on Class Certification
7. Plaintiffs' and Defendants' Respective Requests for Production of Documents

8. 30(b)(6) Deposition of Defendants Regarding Studies
9. Trust Account
10. Declassified Documents
11. Mediation
12. Trial Schedule
13. Pharmacy Indemnity Agreements
14. Verilaw
15. End Game Planning Committee
16. Motion to Reconsider/January 2, 2003 Minute Entry
17. New Items