



will contain, where available, e-mail addresses.

**V. Third Party Subpoena Duces Tecum**

The parties have nothing to report as to Third Party Subpoena Duces Tecum. This item may be removed from the Agenda.

**VI. Motion on Class Certification.**

Defendants are preparing a proposed scheduling Order and will submit it to the PLC shortly. The parties will be prepared to discuss this further at the December 4, 2003 Monthly Status.

**VII. Plaintiffs' and Defendants' Respective Requests for Production of Documents**

On December 23, 2002, PLC served upon DLC Request for Admissions and Interrogatory regarding business records of Defendants, to which Defendants submitted responses, including objections. PLC reviewed the objections and prepared a narrowed down list of documents which the PLC submitted informally to DLC on October 29, 2003. DLC is finalizing the response and will submit it to PLC prior to the Status Conference. PLC will file a Motion to Traverse those objections which the plaintiffs deem improper. The parties will be prepared to discuss this further at the December 4, 2003 Monthly Status Conference.

On February 17, 2003, PLC served upon DLC a Motion to Compel Production of Documents of Sales Force. The parties have agreed that the production of electronic materials regarding the sales representative information should be addressed in a remand order, which would preserve this issue for the transferor court on an as-needed, case specific basis. DLC is preparing a proposed draft Pre-Trial Order addressing this issue. The parties will be prepared to discuss this further at the December 4, 2003 Monthly Status Conference.

**VIII. Trust Account**

Defendants made deposits of additional settlement funds into the Court's Registry on November 10, 2003 and November 17, 2003 since last month's Status Conference.

**IX. Declassified Documents**

The parties have nothing new to report since last month's Status Conference.

**X. Mediation**

No additional mediations have taken place since the last month's Status Conference. The parties will be prepared to discuss this further at the December 4, 2003 Monthly Status Conference.

**XI. Trial Schedule**

On November 20, 2003, this Court signed an Order dismissing the claims of trial plaintiff, Cecelia Overton, with prejudice. As to the remaining three trial plaintiffs, the parties are proceeding with discovery in accordance with the deadlines established by this Court's November 19, 2003 Scheduling Order.

**XII. Pharmacy Indemnity Agreements**

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

**XIII. End Game Planning Committee**

Counsel for defendants and representatives of the PSC and the Plaintiffs' Settlement Committee have continued to discuss a system to formalize criteria and monetary evaluations for those cases which defendants are prepared to mediate. The parties have met and communicated several times since the last status conference. The parties plan to report to the Court at the

December 4, 2003 Monthly Status Conference concerning the status and efforts to reach such an agreement.

**XIV. Global Application of Daubert**

DLC and PLC have continued discussions regarding DLC's desire to implement a procedure for the application of the *Daubert* ruling where appropriate. PLC opposes such procedure. The parties will be prepared to discuss this further at the December 4, 2003 Monthly Status Conference.

**XV. Motions to Withdraw as Counsel of Record**

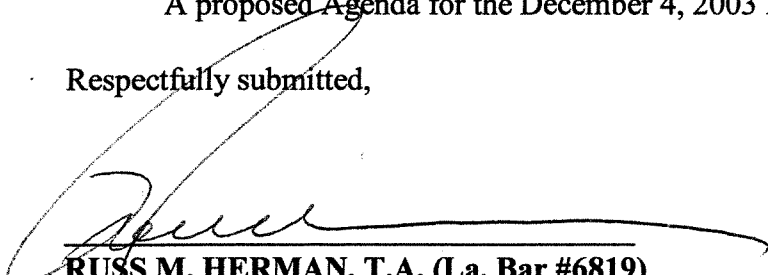
The parties will be prepared to discuss this further at the December 4, 2003 Monthly Status Conference.

**XVI. Stipulation and Pre-Trial Order Providing for the Use at Trial of Depositions in State or Federal Courts**

PLC and DLC have been communicating regarding the preparation of a stipulation for the use of depositions in MDL matters. DLC submitted a draft Pre-Trial Order to PLC, which the parties are discussing.

A proposed Agenda for the December 4, 2003 Monthly Status Conference is attached.

Respectfully submitted,



**RUSS M. HERMAN, T.A. (La. Bar #6819)**  
LEONARD A. DAVIS, #14190  
JAMES C. KLICK, #7451  
HERMAN, MATHIS, CASEY, KITCHENS & GEREL, LLP  
820 O'Keefe Avenue  
New Orleans, Louisiana 70113  
Phone: (504) 581-4892; Fax: (504) 561-6024  
**LIAISON COUNSEL FOR PLAINTIFFS**

DANIEL BECNEL, JR.  
106 W. Seventh Street  
Reserve, LA 70084-0508  
Phone: (504) 536-1186  
Fax: (504) 536-6445

JAMES DUGAN  
3600 North Hullen Street  
Metairie, LA 70002  
Phone: (504) 456-8600  
Fax: (504) 456-8624

ARNOLD LEVIN  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106-3875  
Phone: (215) 592-1500  
Fax: (215) 592-4663

STEPHEN B. MURRAY  
909 Poydras Street, Suite 2550  
New Orleans, LA 70112  
Phone: (504) 525-8100  
Fax: (504) 584-5249

J. MICHAEL PAPANTONIO  
316 S. Baylen Street, Suite 600  
P.O. Box 12308  
Pensacola, FL 32581  
Phone: (850) 435-7000  
Fax: (850) 435-7020

CHRISTOPHER A. SEEGER  
One William Street  
New York, NY 10004  
Phone: (212) 584-0700  
Fax: (212) 584-0799

BOB F. WRIGHT  
556 Jefferson Street, Suite 500  
Lafayette, LA 70502-3668  
Phone: (337) 233-3033  
Fax: (337) 232-8213

CHARLES S. ZIMMERMAN  
651 Nicollet Mall  
Suite 501  
Minneapolis, MN 55402  
Phone: (612) 341-0400  
Fax: (612) 341-0844

**PLAINTIFFS' STEERING COMMITTEE**



**JAMES B. IRWIN, T.A. (La. Bar No. 7172)**

**QUENTIN F. URQUHART, JR. (La. Bar No. 14475)**

**KIM E. MOORE (La. Bar No. 18653)**

**MONIQUE M. GARSAUD (La. Bar. No. 25393)**

**IRWIN FRITCHIE URQUHART & MOORE, LLC**

400 Poydras Street, Suite 2700

New Orleans, Louisiana 70130

Phone: (504) 310-2100

Fax: (504) 310-2101

**LIAISON COUNSEL FOR Defendants,**

**JANSSEN PHARMACEUTICA INC. AND JOHNSON & JOHNSON**

**DRINKER, BIDDLE & REATH LLP**

**THOMAS F. CAMPION**

**SUSAN M. SHARKO**

500 Campus Drive

Florham Park, NJ 07932-1047

Phone: (973) 549-7300

Fax: (973) 360-9831

**-and-**

**DRINKER, BIDDLE & REATH, LLP**

**CHARLES F. PREUSS**

**DONALD F. ZIMMER, JR.**

50 Fremont Street, 20<sup>th</sup> Floor

San Francisco, CA 94105-2235

Phone: (415) 591-7500

Fax: (415) 591-7510

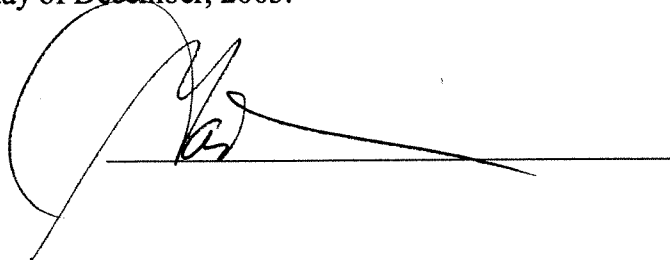
**CO-LEAD COUNSEL FOR Defendants,**

**JANSSEN PHARMACEUTICA INC. AND**

**JOHNSON & JOHNSON**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Joint Report No. 27 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 2nd day of December, 2003.



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

<b>IN RE:</b>	<b>PROPULSID</b>	:	<b>MDL NO. 1335</b>
	<b>PRODUCTS LIABILITY LITIGATION</b>	:	<b>SECTION: L</b>
		:	
		:	<b>JUDGE FALLON</b>
		:	<b>MAG. WELLS ROBY</b>
<b>THIS DOCUMENT RELATES TO ALL CASES</b>		:	
		:	

.....

**Monthly Status Conference  
December 4, 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
6. Motion on Class Certification
7. Plaintiffs' and Defendants' Respective Requests for Production of Documents
8. Trust Account
9. Declassified Documents

10. Mediation
11. Trial Schedule
12. Pharmacy Indemnity Agreements
13. End Game Planning Committee
14. Global Application of Daubert
15. Motions to Withdraw as Counsel of Record
16. Stipulation and Pre-Trial Order Providing for the Use at Trial of Depositions in State or Federal Courts