

III. Patient Profile Form and Authorization

As of October 18, 2004 defendants have received 3131 PPFs, 874 are overdue, and 0 will become due in thirty days.

DLC has agreed to PLC's request that motions to dismiss for failure to provide a PPF be halted during the period in which claimants may opt in to the MDL 1355 settlement.

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. Motion on Class Certification.

The PLC has not yet filed the revised Motion for Class Certification. The filing has been deferred.

VI. Trust Account

Since last month's Status Conference, on October 7, 2004, Defendants made deposits of settlement funds into the Court's Registry.

VII. Mediation

No additional mediations have taken place since the last month's Status Conference.

VIII. Trial Schedule

On September 21, 2004 DLC furnished PLC with an updated list of state court trials scheduled next year.

IX. Pharmacy Indemnity Agreements

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

X. MDL Mediation and Resolution Program

The enrollment process has proceeded since the last Monthly Status Conference. Almost 2,000 plaintiffs and claimants (Tolling and Achord) have enrolled so far, and the parties believe that an additional number of enrollments will be completed for more plaintiffs/and or tolling agreement claimants by October 29, 2004.

The PLC had a meeting on September 29, 2004 in New Orleans for the express purpose of having members of the PLC follow-up with counsel for plaintiffs nationwide regarding the status of enrollment into the MDL Settlement Program. Numerous calls were placed by PLC members to various plaintiffs' counsel throughout the country. The response received was encouraging and it is expected that a large number of claimants' counsel will be submitting Enrollment Forms.

PLC and DLC have both been in communication over the past few weeks with plaintiffs' attorneys to facilitate their enrollment in the MDL Settlement Fund. Steps have been taken by the members of the PSC to complete their clients' enrollments in the program. On October 6, 2004, defense counsel sent a letter and a copy of the Term Sheet to all counsel who represent plaintiffs in the MDL cases and under tolling agreements who are eligible to enroll in the Program to explain the enrollment process and to advise them that defense counsel would be sending Enrollment forms to them shortly. Defense counsel also sent a similar letter with a copy

of the Term Sheet to all pro se plaintiffs in the MDL litigation who are eligible to enroll. Following, on October 7, 2004, defense counsel sent another letter to the same counsel and pro se plaintiffs with the Enrollment Form and Stipulations of Dismissal.

According to defendants' calculations, the number of persons for whom wrongful death suits are pending in the MDL is 285. The 85% required minimum enrollment of these cases is 242. The number of users of Propulsid who have their cases pending in the MDL is approximately 3538. The 75% required minimum enrollment of these cases is approximately 2653.

Since the last status conference, the parties have had meetings and telephone conferences with the Special Master, Deutsche Bank and the Claims Disbursing Agent to discuss the administration of the Resolution Program. Issues are being addressed on an ongoing basis. The Special Master's office is projected to be open and operational on Wednesday, October 27, 2004. Further, Janssen has agreed to partially fund the Administrative Fund of the Settlement Program, at this time, to pay certain expenses such as compensation for the two (2) individuals hired to assist the Special Master and office operating expenses that are being incurred. In addition, per the request of the Special Master and the disbursing agent, Danny Clavier, the defendants have agreed that the settlement funds will be administered as a Qualified Settlement Fund (QSF). The parties will see that the appropriate documentation will be prepared to create the QSF.

The parties will be prepared to discuss these issues further at the October 21, 2004 Monthly Status Conference.

XI. 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.

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

The parties have discussed and exchanged comments regarding a Stipulation concerning the use of depositions in MDL matters. The parties will be prepared to discuss this further at the October 21, 2004 Monthly Status Conference.

XIII. Motion for Summary Judgment

PLC has delayed the filing with the court of a Motion for Summary Judgment regarding Johnson & Johnson's liability. The parties will be prepared to discuss this further at the October 21, 2004 Monthly Status Conference.

XIV. Motions for Summary Judgment as to Doctor Defendant, Stephen A. Tramill, M.D. (Robert R. Boykin v. Johnson & Johnson, #03-2541;)

An Order has been submitted to this Court that grants Dr. Tramill's Motion to Dismiss. This matter may be removed from the Agenda.

XV. Pre-Trial Order listing MDL Plaintiffs

DLC filed a Motion with the Court to identify the list of individuals whose cases are pending in the MDL for purposes of the End Game. The Court signed the Order on October 8, 2004. The list will be uploaded to the Court's website. This item may be removed from the Agenda.

XVI. Michael L. King Suspension

On September 10, 2004, the parties received correspondence that indicated the Supreme Court of Ohio had suspended plaintiff counsel, Michael L. King, from the practice of law. Mr. King represents the plaintiffs in the *Emma McClain* matter (#01-2520). The parties were contacted by the Court appointed receiver, who indicated he has contacted Mr. King's clients in the Propulsid litigation and advised them that they need to obtain new counsel. PLC has received several inquiries from claimants previously represented by Michael L. King and has been in communication with the Court appointed receiver. In addition, State Liaison Committee Member, Barry Hill, contacted the Office of Disciplinary Counsel in Ohio to offer his services to review Mr. King's files and interview his clients. The parties will be prepared to discuss this further at the October 21, 2004 Status Conference.

XVII. Opt Out Form for Johnnie L. Jones

This item may be removed from the Agenda.

NEW ITEMS

XVIII. Defendants, Mary Thornton, C.N.P. and Simon Cofrancesco, D.O.'s Motion for Summary Judgment

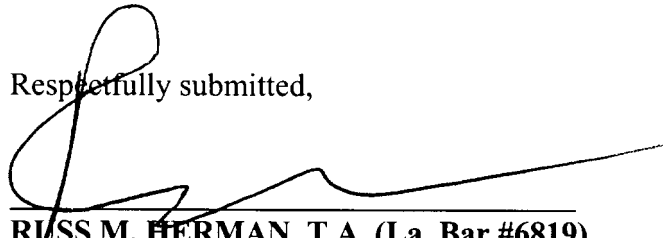
On September 10, 20004, the parties received Defendant Mary Thornton, C.N.P.'s Motion for Summary Judgment and Defendant Simon Cofrancesco, D.O.'s Motion for Summary Judgment that were filed in the *James Butler* matter (No. 2:02-cv-3749). PLC and DLC have no position on this matter. The parties will be prepared to discuss this issue further at the October 21, 2004 Monthly Status Conference.

XIX. Milton Adams, et al v. Johnson & Johnson, et al (No. 03-DV-3496)

On September 24, 2004, the Court was presented with an Agreed Order Dismissing Carthage Discount Drug Company, Inc. On September 29, 2004, this Court ordered the dismissal. This item may be removed from the Agenda.

A proposed Agenda for the October 21, 2004 Monthly Status Conference is attached.

Respectfully submitted,



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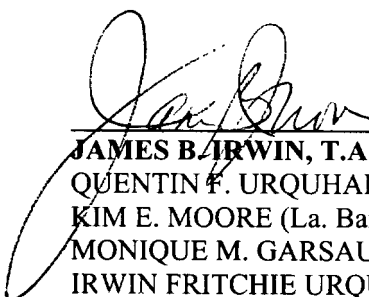
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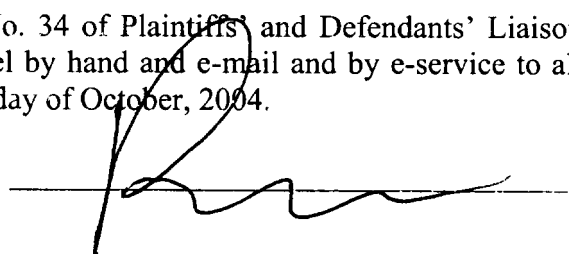
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 34 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 19th day of October, 2004.



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

IN RE:PROPULSID PRODUCTS LIABILITY LITIGATION	:	MDL NO. 1335
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	:	JUDGE FALLON
	:	MAG. WELLS ROBY
THIS DOCUMENT RELATES TO ALL CASES	:	
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**Monthly Status Conference
October 21, 2004- 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. Motion on Class Certification
6. Trust Account
7. Mediation
8. Trial Schedule
9. Pharmacy Indemnity Agreements
10. MDL Mediation & Resolution Program
11. Global Application of Daubert

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