



## **II. Service List of Attorneys**

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

## **III. Trust Account**

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

## **IV. Trial Schedule**

Defendants have provided PLC with an updated trial list. Counsel for the parties in the matter of *Marion T. Bucaria for the Estate of Thomas Bucaria v. Johnson & Johnson Co., et al*, #04-1277, have agreed that the suit will be tried in this Court. The Court has scheduled the trial for February 6, 2006. On June 21, 2005, DLC submitted a proposed Case Management Order agreed upon by Defendants and Plaintiffs to the Court for its review.

## **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 nearing completion and claim forms are being submitted to the Special Master. All Escrow Agreements (Settlement Fund, Administrative Fund and Attorney's Fees Fund) are in place and have been funded.

On June 21, 2005, a Joint Motion for the Entry of an Order Approving the Parties Stipulation Respecting the MDL Resolution Program As to the Use of a Medical Records Reimbursement Form was filed with the Court. The parties await further action by the Court.

On June 23, 2005, DLC provided two additional Medical Panel designees and advised that one of the two previous designees that had been submitted as a Medical Panel Member has moved and would no longer be able to serve on the Medical Panel. PLC is reviewing the two new submissions and will be responding to Defendants. The Medical Panel designees provided by the PLC have been accepted by Defendants.

The PLC and defendants continue to discuss a number of administrative issues germane to the Resolution Program. The weekly telephone conference with the Special Master, PLC and DLC continues to take place. The parties have agreed upon the fee schedule for members of the Medical Panel, as well as a written protocol to be given to members of the Medical Panel to assist them in conducting their duties under the Term Sheet. The parties are discussing arrangements for a joint training program to be presented to the Medical Panel identified in Section 15(A) of the Term Sheet. The parties have agreed that the Special Master will notify them on a weekly basis with a listing of claimants whose claim forms are submitted. Sufficient information will be provided so that if a plaintiff or defendants have medical records for an enrolled claimant, such information will be submitted to the Special Master. As contemplated under the Term Sheet, the Special Master will be reviewing claim forms and medical records that are submitted to determine whether there are any deficiencies and will be advising claimants' attorneys of any such deficiencies and requesting that they be corrected. Once the Special Master's Office has determined that any deficiencies have been satisfactorily cured and that claim forms are ready for submission to the Medical Panel, notification will be provided to the

parties that such claim forms are ready for submission to the Medical Panel. The notification to the parties will serve as commencement of the sixty (60) day period identified in Section 13(A) and (B) of the Term Sheet for submission of the memoranda or one (1) page summary identified therein. Should any party believe that a claim form is deficient, notification will be provided to the Special Master so that the Special Master can make a determination prior to submission of the claim to the Medical Panel. More than 1,000 claim forms have been received by the Special Master's Office to date and more are arriving daily. The Special Master is in the process of compiling a listing of those claim forms that are ready for submission to the Medical Panel so that notification can be provided to the parties. The parties continue to discuss issues as they arise to promote the prompt and efficient management of the Resolution Program.

The parties are endeavoring to have the first medical records reimbursement payments made during August. The parties will be prepared to discuss these issues further at the June 28, 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. Pro se Plaintiffs**

On June 14, 2005, Defendants provided 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. The pleadings are being reviewed and PLC will be responding to DLC. The parties will be prepared to discuss this at the June 28, 2005 Monthly Status Conference.

**IX. Verilaw/Lexis Propulsid Litigation Migration**

Since the migration from Verilaw to LexisNexis in April, 2005, PLC and DLC have had numerous discussions with LexisNexis regarding the File & Serve Application. Representatives of LexisNexis File & Serve will be meeting with the Court on Wednesday, June 29, 2005. The parties will be prepared to discuss this at the June 28, 2005 Monthly Status Conference.

**X. Status of Motions**

The remand motions filed in the matters of *Helena Masluk*, #04-1278, *Marion Bucaria for the Estate of Thomas Bucaria*, #04-1277, and *Judy Ridgway, for the Estate of Kenneth Ridgway*, #04-1809 have been withdrawn by plaintiffs without prejudice. Likewise, the summary judgment motions filed by defendants in the matters of *Allison Case on behalf of Evan Case, an Infant*, #03-3025, *Robert Day and Wanda Day*, #03-3039, *Manuel Fernandez, Individually and as Administratrix for the Estate of Catherine Fernandez*, #04-1805 and *Andrew Wiznia, Individually and as Executor of the Estate of Sidney Wiznia*, #04-1280 have been withdrawn without prejudice.

**XI. Proposed Remand Order**

Defendants are finalizing the first draft of a proposed Master Remand Order and will endeavor to circulate it to the PSC before the June 28, 2005 conference or shortly after.

**XII. Preservation of Electronic Data**

On June 16, 2005, Defendants requested modifications to the preservation procedures that previously have been implemented by J&J. The request is being considered by Plaintiffs and PLC will be responding to the request. The parties will be prepared to discuss this at the June 28, 2005 Monthly Status Conference.

**XIII. Motion to Amend June 28 Order Re: Special Master**

PLC has filed with the Court a Motion to Amend June 28, 2004 Order Pursuant to Federal Rule of Civil Procedure 53 Governing the Appointment of Special Master, Patrick Juneau. This motion was filed in connection with the Special Master's responsibilities under the Settlement Program and to expand his authority towards making a recommendation to the Court regarding the division of any attorney's fees and expenses.

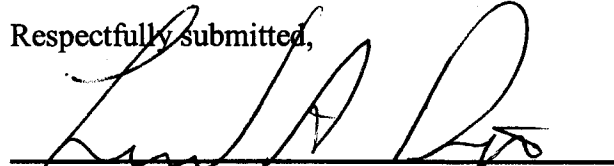
**XIV. The Lomax Cases**

The Court requested that PLC investigate the *Lomax, et al v. Janssen, et al*, 2:04-CV-00137SRO case from the United States District Court, Southern District of Mississippi, and the *Lomax, et al v. Janssen Pharmaceutica, Inc., et al*, 2:05-00084 case from the United States District Court, Southern District of Mississippi, both of which are in MDL 1355. Both matters identify plaintiff's counsel as Carroll H. Ingram. PLC contacted Mr. Ingram and has been advised that plaintiff's counsel desires for the two nearly identical cases to be consolidated. Mr. Ingram advises that the two cases are similar with the exception of 24 plaintiffs and one defendant, Merck-Medco, and that plaintiffs filed a Motion to Dismiss Merck-Medco and to consolidate the matters on June 23, 2005. PLC requested that Mr. Ingram provide further explanation to the Court and it is anticipated that Mr. Ingram will be at the Monthly Status Conference.

**XV. Vernon L. Gray**

Pursuant to the Order issued by the Court on May 10, 2005, PLC communicated with Mr. Gray. PLC will be prepared to discuss this further with the Court at the June 28, 2005 Monthly Status Conference.

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  
650 Poydras Street  
Suite 2150  
New Orleans, LA 70130  
Phone: (504) 648-0180  
Fax: (504) 648-0181

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. 41 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 24th day of June 2005.



A handwritten signature in black ink, appearing to read "Donald F. Zimmer, Jr.", is written over a horizontal line.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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

Monthly Status Conference  
June 28, 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. Pro Se Plaintiffs
9. Verilaw/Lexis Propulsid Litigation Migration
10. Remand Motions
11. Proposed Remand Order

12. Preservation of Electronic Data
13. Motion to Amend June 28 Order Re: Special Master
14. The *Lomax* Cases
15. Vernon L. Gray