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 U.S. DISTRICT COURT
 EASTERN DISTRICT OF LA
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 LORETTA G. WHYTE
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**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF LOUISIANA**

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

**JOINT REPORT NO. 46 OF
 PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 46.

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

The State Liaison Committee continues to communicate with the DLC and PLC regarding the status of the State Settlement Program that was presented to the Court at the December 15, 2005 Monthly Status Conference. Informational packets have been sent out about the Program to over one hundred firms. On February 23, 2006, SLC and PSC hosted and met with many of these firms at a meeting in Jackson, Mississippi to discuss the Program. Copies of the Term Sheet are accessible now and related enrollment and claim forms are accessible on the Court's website located at <http://propulsid.laed.uscourts.gov>.

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On February 22, 2005, the PSC and SLC filed a Joint Motion and Order Relating to Fees Associated With Second MDL Settlement Program. The parties will be prepared to discuss these issues further at the Monthly Status Conference.

II. Trust Account

Since the last status conference a deposit was made by Defendants on January 30, 2006 in to the Trust Account.

On February 16, 2006, the PSC filed a Motion for Release and Disbursement of Funds from Deposits Made to the Registry of the Court Pursuant to Pre-trial Order No. 16. No opposition has been filed. The matter is set for hearing at the March 9, 2006 Monthly Status Conference.

III. Trial Schedule

The matter of *Gregory A. Gellner v. Johnson & Johnson, et al.* is set for trial on June 26, 2006 in the Circuit Court for Marshall County, West Virginia.

IV. MDL Mediation and Resolution Program

The deadline for enrollment and the submission of Claim Forms for the First MDL Resolution Program has expired. The Special Master reports that there are over 20,000 claimants who enrolled, but did not submit claim forms. DLC advises it is preparing a Motion to Dismiss all such claimants, except for those who have been provided extensions by the Special Master's Office.

Since the last Monthly Status Conference, the Special Master's office continues to review those Enrollment and Claims Forms to determine if the Forms meet the qualifying criteria set forth in the Term Sheet. The Special Master continues to communicate with claimants' attorneys to process the submissions and to identify any deficiencies. The Special Master has identified a

number of Claim Forms that are ready for further processing and for which there are no deficiencies or the deficiencies have been remedied. Defendants shall have 60 additional days, and such further time as may be approved by the Special Master, to submit their memoranda if additional medical records must be subpoenaed after plaintiffs'/claimants' deadline for submitting all medical records has expired and the Special Master has provided such notice to Defendants. After this process is complete, in turn, the Special Master submits the claims to the Medical Panel for review. Thus far, the Special Master has submitted 29 claims to the Medical Panel for review.

The Special Master advises that additional claims are in the queue for submission and will routinely prepare a report regarding the status of claims to be submitted to the Medical Panel for review. The Special Master will report to the Court at the March 9, 2006 Monthly Status Conference regarding the current status of claim administration.

The parties continue to work on an agreement with the United States Government regarding its Medicare lien. The parties will be prepared to report on these discussions and the ongoing progress at the March 9, 2006 Monthly Status Conference.

Defendants continue to submit a list of plaintiffs/claimants whose records have already been obtained by defendants in whole or in part, so when necessary, the parties, the Special Master and the attorneys for these plaintiffs/claimants can expedite the submission and review of the Claim Forms for these individuals.

The weekly telephone conference with the Special Master, PLC, DLC and SLC continues to take place to discuss a number of administrative issues germane to the Resolution Program.

The parties will be prepared to discuss these issues further at the March 9, 2006 Monthly Status Conference.

V. Pro se Plaintiffs

On December 7, 2005, Defendants filed a Motion for Proposed Order to Show Cause to set forth procedures for notice to pro se plaintiffs and suggestions for how their cases should be managed from this point forward. In addition, on December 7, 2005, Defendants filed a Joint Motion to Appoint a Curator to assist pro se plaintiffs to aid pro se claimants in reviewing their options regarding their prosecution of their Propulsid lawsuits. The parties are working together to identify a proposed curator. The parties will be prepared to discuss this at the March 9, 2006 Monthly Status Conference.

VI. Proposed Order to Reflect Dismissal of Certain Tolling Agreement Claimants

On February 16, 2006, Defendants filed a proposed Motion and Order to Reflect the Dismissal of Certain Tolling Agreement Claimants. Those subject to the dismissal order are claimants to whom compensation was not awarded or for whose claims are covered by Medical Records Reimbursements.

VII. Motion for Clarification of August 12, 2005 Minute Entry

On September 15, 2005, Ingram & Associates, PLLC filed a Combined Motion for Clarification of August 12, 2005 Minute Entry and Memorandum in Support of Said Motion and Request for Additional Relief regarding the Court's ruling related to the disposition of claims using the "Short Form." Defendants filed an opposition on October 11, 2005. The parties agreed to continue the Motion pending discussions regarding a resolution, which are ongoing. The parties will report to the Court at the March 9, 2006 Monthly Status Conference.

VIII. Proposed Order Approving A Wrongful Death Award Made by the Special Master in the MDL 1355 Settlement Program

On February 6, 2006, Defendants filed a Joint Petition Approving the Use and Form of a Template Petition for the Approval and Distribution of a Tier I Award From the Special Master. The matter is before the Court. The parties will be prepared to discuss this at the March 9, 2006 Monthly Status Conference.

IX. Emergency Motion for Distribution of Attorney's Fees

On November 23, 2005, the Court issued an Order and Reasons regarding the Emergency Motion for Distribution of Attorney's Fees with full reservation of rights to all attorneys who may claim any right to common fees and expense reimbursement. On December 5, 2005, Daniel E. Becnel filed a Motion to Reconsider the Motion. Briefing is complete and the motion is set for hearing at the March 9, 2006 Monthly Status Conference.

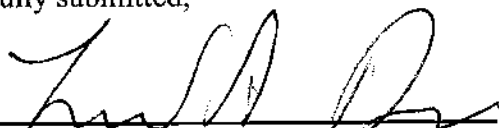
On March 2, 2006 Dumas & Associates Law Corporation filed a Motion for Common Benefit Fees and Expenses Reimbursements. The PLC will be filing a response to the motion. PLC will be prepared to discuss this at the March 9, 2006 Monthly Status Conference.

NEW ITEMS

X. Motion to Strike Class Allegations

On February 3, 2006, Defendants filed a Motion and Incorporated Memorandum to Strike Class Allegations with a Rule and Order to Show Cause that seeks to have any class allegations remaining in the *Baust*, *Campbell*, *Denney*, *Johnson*, *Kellar*, *Ridden* and *Zeno* actions stricken. Defendants served plaintiffs' counsel in each case with the Motion via Lexis/Nexis and certified U.S. mail. To date, no oppositions have been filed. The parties will be prepared to discuss this further at the Monthly Status Conference.

Respectfully submitted,



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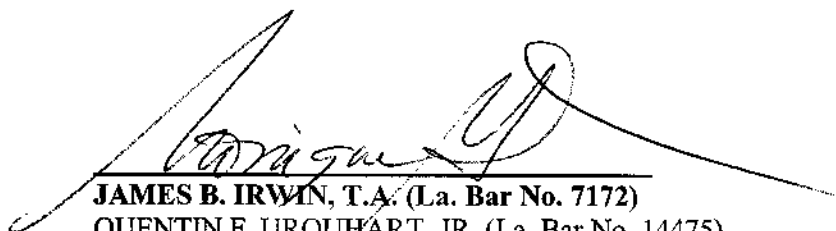
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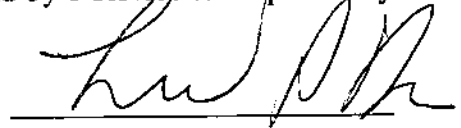
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 46 of Plaintiffs' and Defendants' Liaison Counsel was served on Defendants' Liaison Counsel by e-mail and by e-service to all parties by uploading same to LexisNexis, on this 7th day of March 2006.



**UNITED STATES DISTRICT COURT
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Monthly Status Conference
March 9, 2006- 9:00 a.m.

AGENDA

Current Matters:

1. State Liaison Counsel
2. Trust Account
3. Trial Schedule
4. MDL Mediation & Resolution Program
5. Pro Se Plaintiffs
6. Proposed Order to Reflect Dismissal of Certain Tolling Agreement Claimants
7. Motion for Clarification of August 12, 2005 Minute Entry
8. Proposed Order Approving A Wrongful Death Award Made by the Special Master in the MDL 1355 Settlement Program
9. Emergency Motion for Distribution of Attorney's Fees
10. Motion to Dismiss Class Certification