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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2006 JUN -9 PM 3:39
LORETTA G. WHYTE
CLERK

**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

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**JOINT REPORT NO. 48 OF
PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 48 in preparation of the June 13, 2006 Monthly Status Conference, which will be held telephonically by the Court at 1:30 p.m CST. Dial-in information may be accessed on the Court's website at <http://propulsid.laed.uscourts.gov/>.

I. State Liaison Counsel/MDL Resolution Program II

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. The Term Sheet and related enrollment and claim forms are accessible on the Court's website located at <http://propulsid.laed.uscourts.gov>. The enrollment period is open until June 17, 2006. The parties will be prepared to report on the status of enrollment in the second resolution program.

___ Fee _____
___ Process _____
 Dktd _____
 CtRmDep _____
___ Doc. No _____

II. Trust Account

There have no been no deposits into the Trust Account since the last 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. Defendants expect the case to be adjourned.

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. The DLC has advised that it will seek dismissal of claimants (except those granted extensions of time) and is discussing this issue further with the PSC.

The Special Master's office continues to review Claims Forms to determine if the Forms meet the qualifying criteria set forth in the Term Sheet, and when necessary, the Special Master communicates with claimants' attorneys to process the submissions and to identify any deficiencies. Once the deficiencies are corrected, those claims will be in a posture to be processed through the claims system.

Thus far, the Special Master has submitted 40 claims to the Medical Panel for review, five of which have been qualified under the Term Sheet by the Medical Panel as qualifying for compensation consideration by the Special Master and the Special Master has made those awards. 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 June 13, 2006 Monthly Status Conference regarding the current status of claim administration.

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 June 13, 2006 Monthly Status Conference.

V. Pro se Plaintiffs

On May 31, 2006, the parties submitted an Amended Joint Motion and Order to Appoint Curator, Robert M. Johnston. The Court signed the Order on June 5, 2006. The parties and the Special Master will hold an orientation with Mr. Johnston on Monday, June 12, 2006. The parties will be prepared to report to the Court on this issue at the June 13, 2006 Monthly Status Conference.

VI. Proposed Order Designating as Confidential all Awards Made by the Special Master in the MDL 1355 Settlement Program

On May 3, 2006, the parties submitted a Joint Motion and Order to the Court to direct the Special Master to designate as confidential all awards made under the Settlement Program. This Court entered such Order on May 4, 2006. This item may be removed from the Agenda.

VII. 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 that was set for hearing has been continued until June 21, 2006. The parties have agreed to further continue this hearing date.

On March 2, 2006 Dumas & Associates Law Corporation filed a Motion for Common Benefit Fees and Expenses Reimbursements. On April 4, 2006, the PLC filed a response to the motion. The parties will be prepared to discuss this at the June 13, 2006 Monthly Status Conference.

VIII. Walgreen and Stephanie Newport's Motion for Reconsideration (Margaret Beo #01-600)

Walgreen Pharmacy and Stephanie Newport have a Motion for Reconsideration pending before this Court regarding the denial of their Motion for Summary Judgment on March 22, 2005. At the last Status Conference, Walgreen's counsel agreed to suspend his Motion predicated on the receipt of the Stipulation of Dismissal executed by Ms. Beo, which is being held in escrow by defendants. DLC sent counsel for Walgreen and Ms. Newport a copy of the dismissal on May 3, 2006. This item may be removed from the Agenda.

NEW:

IX. Medical Panel Presentation

As the current panel members that were recommended by Defendants are relocating, Defendants submitted a proposed list of new members to the PSC, which the PSC approved. The parties and the Special Master will conduct an orientation for these new members under this Court's guidance on June 29, 2006.

X. Ingram Administrative Claims

PLC has been requested by Carroll Ingram that Mr. Ingram be given an opportunity to address the Court at the June 13, 2006 monthly status conference regarding administrative claims being handled by his firm. Mr. Ingram advises that he will participate in the conference.

Respectfully submitted,



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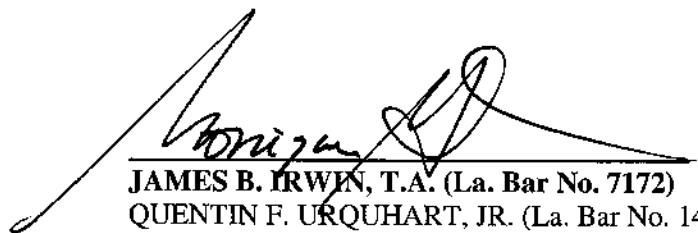
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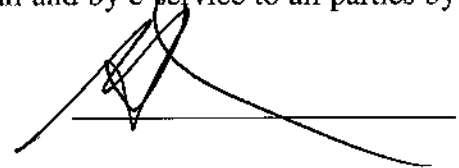
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 48 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 9th day of June 2006.

A handwritten signature in black ink, appearing to be "C. F. Preuss", is written over a horizontal line. The signature is stylized and somewhat cursive.

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: **JUDGE FALLON**
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Monthly Telephone Status Conference
June 13, 2006- 1:30 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 Approving A Wrongful Death Award Made by the Special Master in the MDL 1355 Settlement Program
7. Emergency Motion for Distribution of Attorney's Fees
8. Walgreen and Stephanie Newport's Motion for Reconsideration
9. Medical Panel Orientation
10. Ingram Administrative Claims