

The PSC is waiting for production of electronic data in accordance with Pre-Trial Order No. 10. Further, the parties are continuing discussions regarding a nominee for a Special Master as required by Section H-3 of PTO-10.

III. Electronic Service/Verilaw - (PTO 2- IV(C)(C))

PSC and DSC has communicated with Verilaw concerning the security of documents filed under seal that are uploaded to Verilaw and served electronically. The parties have agreed to additional security measures requested by Verilaw for documents that are served electronically. It is anticipated that Verilaw will be implementing the update shortly. PLC and DLC will be prepared to report further developments from Verilaw at the July monthly status conference.

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

PLC is desirous of setting a date with the court for the State Liaison Committee to meet with your Honor. Members of the State Liaison Committee had a meeting on June 13, 2001 to discuss several items including further coordination of state cases with defense counsel, updates from state court cases so that the MDL can be apprized and setting regularly scheduled conference calls. PLC and the State Liaison Committee will be prepared to discuss this item at the June monthly status conference.

V. 30(b)(6) Deposition Regarding Corporate Organization

The 30(b)(6) deposition of the Beerse operation took place in Belgium on June 5, 2001. Dirk Reyn was designated as the corporate representative and the deposition proceeded as planned.

VI. Plaintiffs Profile Form and Authorization

As of June 15, 2001, defendants have received 349 Patient Profile Forms. There are 102 currently overdue and 26 PPF's will become due within thirty (30) days. PLC and DLC continue to communicate with plaintiffs attorneys whose PPF's are indicated to be overdue. DLC has advised its intent to present

for dismissal at the July Monthly Status Conference the names of plaintiffs who have failed to respond to follow-up requests for completion of the PPFs.

VII. Depositions in State Matters that have been Cross Noticed

Since the last monthly status conference, no deposition have been cross-noticed in the MDL. However, depositions in state cases have proceeded. PSC has requested that DLC provide advance notice of all depositions to be taken in Propulsid matters to PLC in advance of the depositions, irrespective of whether the deposition is cross-noticed into the MDL. DLC has agreed to provide advance notice of all depositions of Janssen employees (excluding sales reps) to be taken in Propulsid matters to PLC in advance of the depositions, irrespective of whether the deposition is cross-noticed into the MDL and the parties are continuing discussions as to other depositions. In addition, defendants have agreed to timely provide copies of any depositions taken in Propulsid cases that are not cross noticed in MDL-1355. Thus far DLC has produced two depositions from an Illinois state case.

VIII. Subpoena to FDA

On , May 30, 2001, Associate Chief Counsel of the FDA forwarded documents responsive to the subpoena to counsel for the defendants. Pursuant to agreement between the defendants and plaintiffs the documents were received and on June 11, 2001 PSC received the initial wave of production of FDA documents. On June 1, 2001 Associate Chief Counsel to the FDA advised that additional documents responsive to the subpoena were being produced. The defendants will be reviewing this material and providing it to the plaintiffs. It is anticipated that additional production in response to the subpoenas will be forthcoming and if there are any delays or issues arising out of the document production, they will be brought to the attention of the court at a monthly status conference.

IX. Service List of Attorneys

PLC and DLC are communicating with newly enrolled counsel informing them of the court's Propulsid website, the necessity to submit questionnaires and certain deadlines. Additionally on May 25, 2001, DLC filed with the court a motion requesting that newly enrolled defense counsel complete an electronic questionnaire. PLC and DLC will have a master list of all counsel to present to the court at the June monthly status conference.

X. Ongoing Studies

The parties are continuing to discuss the development of a protocol for the production of ongoing studies.

XI. Third Party Subpoena Duces Tecum Issued by PSC

On May 30, 2001, PSC issued 43 subpoena Duces tecum to various advertising, publishing, public relation firms. PLC and DLC have attempted to coordinate the production responses for these subpoenas. PLC and DLC are discussing the creation of a protocol to enable efficient and economical production of information received from third parties to which subpoenas are issued. In addition an initial response to the subpoena issued to the North American Society for Pediatric Gastroenterology has been received.

XII. Scheduling Presentation of Class Certification Motion

PLC and DLC have had ongoing discussions regarding a schedule to present a class certification motion. On June 14, 2001, DLC provided to PLC for discussion purposes, a proposed Pretrial Order providing a schedule for filing, discovery and hearing of a Motion for Class Certification. These discussions are ongoing and the parties will be prepared to discuss this at the June monthly status conference.

XIII. Documents Described in the Court's Docket as "Sealed documents"

PLC and DLC have communicated regarding documents filed under seal and identified on the court's docket as "sealed documents" only. The parties have jointly drafted a motion that will be presented to the court to allow for the docket to identify the name of the party filing a confidential document and the name of the document filed under seal. The parties will be prepared to discuss this at the June monthly status conference.

XIV. Tolling Agreement

On May 31, 2001, defendants provided to plaintiffs a blank tolling agreement. PLC forwarded a copy of the agreement to all claimants' counsel and advised that should any counsel desire to enter into a tolling agreement on behalf of their clients that they should communicate directly with the DLC. Further discussion and refinements to the agreement are occurring. The parties are continuing discussions and will be prepared to discuss this at the June monthly status conference.

XV. Defendants Request for Production of Documents

On May 22, 2001, DLC forwarded to PLC the Defendants First Request for Production of Documents. This request dealt with information relating to ongoing studies. PLC has prepared a formal response and will be providing it to DLC by after it is approved by the PSC. Additionally on June 5, 2001 DLC forwarded to PLC a Defendants' Merits Request for Production of Documents - Set No. 2. PLC has transmitted the Request to the PSC and shall be responding in due course.

XVI. Listing of State Cases

DLC has agreed to provide PLC a complete list of all state cases which shall include the names and addresses of counsel, the claimant and caption of the case. DLC has agreed to provide this information on a monthly basis to PLC.

Respectfully submitted:

/s/ Leonard Davis
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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served on defendants liaison counsel, James Irwin by hand delivery or electronically and upon all plaintiffs counsel of record electronically or by electronically being uploaded to Verilaw in accordance with Pre-Trial Order No. 4, this 19th day of June, 2001.

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

IN RE: PROPULSID : **MDL NO. 1355**
PRODUCTS LIABILITY LITIGATION :
: **SECTION: L**
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: **JUDGE FALLON**
THIS DOCUMENT RELATES TO ALL CASES : **MAG. JUDGE AFRICK**
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Monthly Status Conference June 21, 2001 9:00 a.m.

AGENDA

Current Matters:

1. Update of Rolling Document Production
- 2.. Electronic Service/Verilaw
3. State Liaison Counsel
4. 30(b)(6) Deposition Regarding Corporate Organization
5. Plaintiffs Profile Form and Authorization
6. Depositions in State Matters that have been Cross Noticed
7. Subpoena to FDA
8. Service List of Attorneys
9. Ongoing Studies
10. Third Party Subpoena Duces Tecum Issued by PSC

11. Scheduling Presentation of Class Certification Motion
12. Documents Described in the Court's Docket as "Sealed documents"
13. Tolling Agreement
14. Motion Regarding Ex Parte Interviews
15. Defendants Request for Production of Documents
16. Listing of State Cases

New Matters:

1. Cross Claims/Answers
2. Discovery to Consumer Plaintiffs
3. Uniform Certificate of Service
4. July status conference