

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

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

**JOINT REPORT NO. 91 OF PLAINTIFFS'  
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 91 in preparation of the June 30, 2011 Monthly Status Conference. To participate via telephone, dial-in information may be accessed on the Court's website at <http://propulsid.laed.uscourts.gov/>.

**I. MDL Resolution Programs I and II**

MDL Resolution Programs I and II are nearing an end. All qualified tiered claims have been submitted to the Medical Panel in both programs. In addition, the Special Master's Office is finalizing the clearance of any remaining administrative claims in both programs.

Pursuant to Section 23 of the Amendment to the Term Sheet, several plaintiffs requested a second review of the decisions rendered by the Medical Panel in their cases. 21 of those requests have been granted and submitted to the Medical Panel for a second review. The balance have been denied a second review.

**II. Distribution of MDL Settlement Funds**

On November 30, 2009, the Court issued an Order granting Joint Motion for an Order authorizing Distribution of MDL I Settlement Funds which authorized the transfer of \$8.75 million (Canadian) from the Settlement Fund of the MDL I Propulsid Resolution Program Fund to the Propulsid Resolution Program and further authorized a distribution in the same amount for appropriate contributions to charitable organizations. The Court issued an Order on January 4, 2010 appointing a committee of plaintiffs' counsel and defense counsel to assist in recommending to the Court where the remainder of the funds should be allocated [Rec. Doc. 4023].

**III. Attorneys' Fees Issues**

The PSC will be filing a motion and the Court will address the attorney fees issue at a later date.

**IV. Motion Seeking Relief from Pre-Trial Order No. 2, Authorizing the Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and Closing the Plaintiffs' Depository**

On April 18, 2011 Plaintiffs filed a Motion Seeking Relief from Pre-Trial Order No. 2, Authorizing the Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and Closing the Plaintiffs' Depository [Rec. Doc. 4330], which the Court granted.

**NEW ITEMS:**

**V. Motions to Dismiss**

On June 16, 2010, the Defendants presented six Motions to Dismiss as to plaintiffs:

- 1) who failed to enroll;
- 2) whose claims have been processed;
- 3) whose claims were deemed ineligible for awards and ineligible for \$250 Payments;

- 4) whose claims were deemed ineligible for \$250 payments;
- 5) who failed to submit required medical records and;
- 6) whose claims were processed in the Second Program.

The Judge granted all Motions and in total dismissed 2,574 plaintiffs. [Rec. Docs. 4358, 4359, 4360, 4361, 4362, 4362] Defendants are working with the Special Master to analyze plaintiffs who remain on the Court's docket and will be prepared to discuss this issue further at the June 24, 2011, Monthly Status Conference.

Respectfully submitted,

/s/ Monique M. Garsaud

**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, L.P. 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  
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, L.P. AND  
JOHNSON & JOHNSON**

/s/ Leonard A. Davis

**RUSS M. HERMAN, T.A. (La. Bar #6819)**  
LEONARD A. DAVIS, #14190  
JAMES C. KLICK, #7451  
HERMAN 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**

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 91 of Plaintiffs' and Defendants' Liaison Counsel has been served upon all parties by electronically uploading the same to LexisNexis File & Serve, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF system which will send a Notice of Electronic Filing on this 28<sup>th</sup> day of June, 2011.

*/s/Leonard A. Davis*

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

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

**Monthly Status Conference**  
**June 30 2011**  
**1:30 p.m.**

**AGENDA**

**Current Matters:**

1. MDL Resolution Programs I and II
2. Distribution of MDL Settlement Funds
3. Attorney's Fees Issues
4. Motion Seeking Relief From Pre-Trial Order No.2, Authorizing Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and closing the Plaintiffs' Depository
5. Motions to Dismiss