

MINUTE ENTRY  
FALLON, J.  
January 18, 2001

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

|                               |   |              |
|-------------------------------|---|--------------|
| IN RE: PROPULSID              | : | MDL NO. 1355 |
| PRODUCTS LIABILITY LITIGATION | : | SECTION "L"  |
| .....                         | : | JUDGE FALLON |
|                               | : | JUDGE AFRICK |

THIS DOCUMENT RELATES TO ALL CASES:

A pretrial status conference was held January 18, 2001 at 2:00 p.m. in the courtroom of Judge Eldon E. Fallon. In attendance for Plaintiffs were Richard J. Arsenault, Dawn Barrios, Robert Becnel, David Buchanan, Issac Byrd, Leonard Davis, Walter Dumas, Wendell Gauthier, Russ M. Herman, Barry Hill, Larry Morris, Hiawatha Northington, Carlos Prietto, James Roy, Chris Seeger, Deborah Sulzer, and Robert Wright. In attendance for Defendants were Thomas F. Campion, James B. Irwin, and Charles F. Preuss. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 3 of Plaintiffs' and Defendants' Liaison Counsel, and the Court made the following rulings:

1. Virtual Document Depository:

Both parties indicated to the Court their interest in participating in a virtual document depository reserving for a later date decisions on what documents should be placed in the

depository and how to insure security for the depository. Plaintiffs' Liaison Counsel shall confer with the vendor selected by the parties regarding the creation of a virtual document depository and report to the Court on the progress of the installation of a virtual document depository within ten (10) days.

2. Plaintiff Profile Forms/Authorizations

Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel have agreed on a plaintiff profile form. The parties shall submit an order to the Court providing for the use of the plaintiff profile forms and authorizations as well as a copy of the proposed form in electronic format which shall be posted on the Court's MDL No. 1355 website. Plaintiffs shall complete and respond to the profile form within forty-five (45) days of its approval by the Court. Plaintiffs whose cases have been transferred after the profile form has been approved and put on-line shall complete the form within forty-five (45) days of their transfer order. The disclosure of certain information such as psychiatric background will be addressed on the basis of each individual case.

3. Master Complaint/Answer

As a result of the ruling in *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), the parties indicated problems associated with the drafting of a master complaint. The parties shall attempt to resolve any issues concerning the master complaint within sixty (60) days and thereafter report to the Court on the status of the master complaint.

4. Update of Rolling Document Production

Defendants indicated that they have produced to plaintiffs at this time approximately 480,000 pages of documents with objective coding in CD-ROM format and an additional 12,000 pages of documents in hard copy format.

5. Electronic Service/Verilaw

The parties will submit to the Court a supplemental order requiring all counsel to have access to e-mail and accept service of MDL No. 1355 filings on e-mail.

6. State Liaison Counsel

The following State Liaison Counsel were present at the conference and introduced to the Court: Richard J. Arsenault, Issac Byrd, Walter Dumas, Barry Hill, and Chris Seeger. The Court also appointed Dawn Barrios and David Jacobus as State Liaison Counsel.

7. Cross-Noticed MIS Depositions

Depositions of Defendants' representatives are scheduled to proceed in New Jersey on January 23, 2001. MDL counsel will monitor and participate in the depositions to the extent necessary.

8. Electronic Document Production

Plaintiffs' have filed a motion regarding electronic document production. The hearing on the motion is currently scheduled for February 15, 2001 at 2:00 p.m. in the courtroom of Judge Eldon E. Fallon. Defendants indicated that they may seek a continuance of the hearing date and shall advise the Court following the taking of depositions in New Jersey.

9. Deposition Regarding Corporate Organization

Depositions directed at discovery of the organizational structures and procedures of defendants pursuant to Federal Rule of Civil Procedure 30(b)(6) shall commence in February, 2001. The parties shall meet and confer in order to select mutually acceptable dates, times, and places for the depositions.

10. Response to Document Request to Defendants

Defense Liaison Counsel shall prepare any response and/or objections to Plaintiffs' Request for Production of Documents by January 31, 2001.

11. State Coordination

The Court encouraged the parties to work toward coordinating their efforts in this litigation with the various state litigations.

12. Document Production Protocol

After discussion with counsel, the Court issued Pretrial Order No. 8 which establishes the protocol for transferring documents that currently exist in hard copy format into electronic format.