

MINUTE ENTRY
FALLON, J.
February 20, 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 February 20, 2001 at 1:00 p.m. in the courtroom of Judge Eldon E. Fallon. In attendance for Plaintiffs were Richard J. Arsenault, Dawn Barrios, Daniel E. Becnel, Leonard Davis, James Dugan, Walter Dumas, Barbara Frederick, Phil Garnett, Russ M. Herman, Robert R. Hopper, Fred Longer, Larry Morris, Gale Pearson, and Chris Seeger. In attendance for Defendants were Thomas F. Campion, Kenneth Conow, James B. Irwin, Charles F. Preuss, and Quentin F. Urquhart, Jr. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 4 of Plaintiffs' and Defendants' Liaison Counsel.

1. Virtual Document Depository:

The parties are continuing discussions with respect to the virtual document depository. Security issues are of significant concern, and the parties have continued to address this issue with the vendors. The Court urged the parties to continue working toward the creation of a virtual

document depository because of the advantages related to accessing documents.

2. Plaintiff Profile Forms/Authorizations

The parties have agreed upon plaintiff profile forms and execution of authorizations as detailed in Pretrial Order No. 9. The forms and authorizations are posted in electronic format on the Court's MDL No.1355 website and may be downloaded.

3. Master Complaint/Answer

The parties continue to discuss the issue of a master complaint/answer and will be prepared to report to the Court on their progress at the March pretrial status conference.

4. Update of Rolling Document Production

Plaintiffs have received an additional 240,000 pages of documents from Defendants. Defendants indicated that they plan to supplement the document production utilizing an objective coding index. Defendants further indicated that they expect to complete domestic document production by the end of June, 2001.

5. Electronic Service/Verilaw

The parties explained that electronic service has been successful overall despite minor technical problems which the parties are working to resolve.

6. State Liaison Counsel

State liaison counsel were in attendance and the Court invited their input.

7. Cross-Noticed MIS Depositions

The parties explained that depositions of MIS representatives and corporate representatives of Defendants were noticed and taken without incident.

8. Electronic Document Production

The parties indicated that they had resolved disputes concerning the electronic document production of domestic documents. With regard to foreign documents, the parties noted significant disagreements. The Court discussed the approach it anticipates using to resolve conflicts arising over the production of electronic data. Specifically, the Court explained that it will employ the technical assistance of experts. The Court, however, encouraged the parties to settle their differences without resorting to the cumbersome and expensive process of utilizing court-appointed experts.

9. Deposition Regarding Corporate Organization

Depositions directed at discovery of the organizational structures of Defendants pursuant to Federal Rule of Civil Procedure 30(b)(6) shall commence on March 5, 2001.

10. Status of Response/Objections to Document Request to Defendants

The parties stated that they had reached an agreement on this issue. Defendants will use objective coding to respond to Plaintiffs' requests by March 9, 2001.

11. Plaintiffs' Counsel Cost and Time Reports

At the request of Plaintiffs' Liaison counsel, the Court discussed the status of Plaintiffs' attorney cost and time submissions with a representative from the Plaintiffs' Liaison Committee and its appointed certified public accountant. The Court reiterated the necessity of maintaining timely and accurate accounting.

12. Submission of Confidential Documents

Counsel inquired about the procedure for submitting to the Court documents containing confidential information. The Court refers counsel to Pretrial Order No. 5, paragraph 10, which

describes the procedure for identifying documents containing confidential material. These documents should be filed with the Clerk of Court with the designation set forth in Pretrial Order No. 5.

13. Preservation of Electronic Data

The Court discussed the necessity of preserving all documents and data germane to this litigation in order to avoid issues related to spoliation and action by the Court. The question of what materials are relevant and discoverable will be addressed at a later date.

14. Statistics

Counsel reported that seventy-eight percent (78%) of plaintiffs who have filed suits related to Propulsid throughout the country are now before this Court. Counsel anticipate further filings to occur throughout the year.

15. Scheduling of March Pretrial Status Conference

The next pretrial status conference will be held on Thursday, March 15, 2001 at 9:00 a.m.