

MINUTE ENTRY
FALLON, J.
April 19, 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 April 19, 2001 at 9:00 a.m. in the courtroom of Judge Eldon E. Fallon. In attendance for Plaintiffs were Richard J. Arsenault, Roy Amedee, Daniel E. Becnel, James Capretz, Rebecca Cunard, Leonard Davis, James Dugan, Walter Dumas, Kim Evers, James Hatch, Russ M. Herman, Barry Hill, Julie Jacobs, Arnold Len, Fred Longer, Hiawatha Northington, Carla Perm, Carlos Prietto, James Roy, Gordon Rudd, Chris Seeger, Lwyn Swanson, and Charles Taylor. In attendance for Defendants were Thomas F. Champion, James B. Irwin, and Charles F. Preuss. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 6 of Plaintiffs' and Defendants' Liaison Counsel.

1. Virtual Document Depository

Counsel for Plaintiffs and Defendants continue to discuss issues regarding the creation of a virtual document depository.

2. Master Complaint/Answer

Plaintiffs explained that the PLC delivered to the DLC a draft of the Plaintiffs' Position Paper Regarding the filing of a Master Complaint and Answer on March 22, 2001. The DLC advised the Court that Defendants will file a response to the position paper and raise any issues of concern with the court at the next monthly status conference.

3. Update to Rolling Document Production

Counsel advised the Court that Defendants have produced 1,517,188 pages of documents on CD-ROM and 15,000 pages of documents in paper form. Counsel indicated that the next production of documents will occur during the week of April 16, 2001 with the delivery of documents and associated data on CD-ROM as well as video tapes and other media.

Plaintiffs also stated that they forwarded to Defendants a sequencing request for the production of foreign materials responsive to discovery requests. Defendants explained that they are in the process of accommodating the sequencing requests subject to the completion of the document collection and indexing. The Court encouraged the parties to work together to reach an agreement on the issue of sequencing.

4. Electronic Service/Verilaw

Documents have been electronically served through Verilaw. Counsel indicated that they are addressing with Verilaw the issue of serving documents submitted under seal.

5. State Liaison Counsel

State Liaison Counsel have participated in coordination telephone calls, depositions and document review.

6. Electronic Document Preservation and Production

The parties explained that they have resolved issues regarding the preservation of domestic electronic data and at the conference submitted a proposed pretrial order to the Court concerning this issue. The parties also indicated that they continue to discuss technical issues regarding the production of electronic data and will be prepared to report to the court on the particulars of these issues at the next monthly status conference.

Defendants requested that they be able to submit the names of international custodians to the Court *in camera*. The Court, after hearing argument from the parties, granted Defendants' request to submit the names of the international custodians to the Court *in camera*.

7. 30(b)(6) Deposition Regarding Corporate Organization

Counsel indicated that they are continuing to conduct corporate depositions and that the parties are working together to schedule the deposition of a corporate representative from Beerse, Belgium.

8. Plaintiff Profile Forms and Authorizations

Defendants stated that they had received 174 Patient Profile Forms (PPFs) as of April 13, 2001. Overdue PPFs total 214, and 94 PPFs will become due in thirty (30) days or fewer. Defendants indicated that they are satisfied with the progress of collecting PPFs and will continue to advise the Court of the progress of the collection.

9. Depositions in State Matters that have been Cross Noticed

Counsel explained that the deposition of Alan Josyln, Ph.D., Janssen Director of Global Clinical Research and Development, was taken on April 2, 3, and 4, 2001 in state court litigation. Representatives of the PSC were present and the deposition was cross-noticed with MDL 1355.

Defendants have also cross-noticed the depositions of (1) Gary Pruden, Janssen Director of Marketing for April 25-27, 2001 and (2) Stephen Spielberg, M.D., Janssen Vice President of Pediatric Drug Development for May 10-11, 2001. All of these depositions were cross noticed subject to the Plaintiffs' reservation of rights to retake the depositions.

10. Subpoena to FDA

Plaintiffs explained that they served the Food and Drug Administration (FDA) with a subpoena requesting a number of documents in its possession. Counsel for the FDA explained to the PLC that the FDA is currently overburdened with production requests and will not be able to satisfy the Plaintiffs' requests for six months. Plaintiffs indicated that they are continuing to negotiate with the FDA about their document request and will report to the Court on the status of these negotiations at the next monthly status conference.

11. Plaintiffs' Time and Billing Matters

The PLC provided the Court with a written update regarding Plaintiffs' counsel's time and billing expense matters.

12. Service List of Attorneys

Representatives of the PLC and DLC met with the Court's staff to discuss methods for maintaining a master service list of attorneys for MDL 1355. The Court indicated that it will modify its consolidation order, which is distributed to all newly transferred cases to MDL 1355, to instruct counsel to contact liaison counsel upon the transfer of their case to this Court.

13. Defendants Liaison and Lead Counsel

Defendants noted that additional defense counsel of record have been added to MDL 1355

and that the DLC wishes to discuss with the Court the responsibilities of these counsel in MDL 1355.

14. Scheduling of May Pretrial Status Conference

The next pretrial status conference will be held on Thursday, May 17, 2001 at 9:00 a.m.