

**MINUTE ENTRY  
FALLON, J.  
MAY 17, 2012**

**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**

A Monthly Status Conference was held on this date by telephone in the Chambers of Judge Eldon E. Fallon. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 96 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC). This conference was transcribed by Ms. Susan Zeilie, Official Court Reporter. Counsel may contact Ms. Zeilie at (504) 589-7781 to request a copy of the transcript. A summary of the Monthly Status Conference follows.

**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.

**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. On October 26, 2011, the parties brought before the Court a Joint Petition to Distribute the Charitable Fund, which the Court granted on the same day. [Rec. Doc. 4406, 10/26/11]. Defendants are coordinating the release of the money from Deutsche Bank to Louisiana Health Public Initiative (LPHI).

On December 15, 2011, the Court issued an Order [Rec.Doc. No. 4425] on the Joint Motion and Order for Partial Disbursement of Settlement Funds to Defendant Johnson & Johnson granting the motion and disbursing \$40,000,000.00 out of the Settlement Fund in MDL I and \$5,000,000.00 out of the Settlement Fund in MDL II to Defendant Johnson & Johnson, and further ordered that if the Court at a later date determines that the Settlement Funds in the MDL I and/or MDL II are insufficient and additional funds are needed to satisfy any remaining claims, Johnson & Johnson shall return and replenish the settlement funds.

### **III. Attorney's Fees Issues**

On March 15, 2012, the PSC filed a Motion for Distribution of Additional Attorney's Fees and Reimbursement of Costs (Re: MDL Settlement Program I) [Rec. Doc. No. 4465]. The matter was set for hearing, with oral argument, on April 25, 2012 [Rec. Doc. No. 4467]. On April 25, 2012, the Court issued an Order on the motion [Rec. Doc. No. 4497]. A Motion for Distribution of Attorney's Fees regarding MDL Settlement Program II will be addressed at a later date.

### **IV. Motions to Dismiss**

Over 4200 plaintiffs have been dismissed and terminated from the Court's docket. Recently, Defendants have filed numerous Motions to Dismiss and Stipulations of Dismissals,

covering approximately 1400 plaintiffs in the following categories: claims that have been processed and paid; claims that were ineligible for payment; plaintiffs who failed to prosecute their claims; claims that did not qualify for the Resolution Programs; and/or plaintiffs who did not enroll in the Resolution Programs. Two Motions to Dismiss covering approximately 140 plaintiffs were set for hearing/submission on May 9, 2012. A third motion to Dismiss covering approximately 55 plaintiffs is set for hearing/submission on June 6, 2012. Other than the foregoing plaintiffs on pending Motions, approximately 200 plaintiffs will remain on the Court's docket. The goal of undersigned counsel the Special Master is to have all the remaining claims processed and dismissed as soon as possible, and the parties and the Special Master are working diligently toward that goal.

#### **V. Next Status Conference**

The next status conference will be held by telephone on August 2, 2012 at 1:30 p.m.

(CT). Parties may participate by following these steps:

1. Dial 877-336-1839.
2. Once you are connected, enter access code 4227405. You may be put on hold until the host (the Court activates the call).
3. Once the call is activated, enter participant security code 080212 followed by the pound (#) key.
4. Finally, you will be given the option to accept or re-enter the participant security code before you are entered into the call.