

**MINUTE ENTRY  
FALLON, J.  
AUGUST 15, 2008**

**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. 66 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC). This conference was transcribed by Jodi Simcox, Official Court Reporter. Counsel may contact Ms. Simcox at (504) 589-7780 to request a copy of the transcript. A summary of the monthly status conference follows.

I. State Liaison Counsel

The enrollment requirements have been met for the State Settlement Program (Propulsid II). Escrow Agreements have been executed and Defendants have funded the various funds. The claims, medical records, and claimant memoranda deadlines have passed. Administrative claims are being processed and disbursements have begun. The Special Master's Office has begun clearing claims for defense briefing, and the defendants have advised that they will begin submitting defense memoranda by August 2008.

II. Trust Account

No deposits have been made into the Trust Account since the last status conference.

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III. MDL Mediation and Resolution Program

The deadline for enrollment and the submission of claims forms for the First MDL Resolution Program has expired. The Special Master reports that there are over 11,000 claimants who enrolled, but did not submit claims forms. The Special Master filed a Motion to Dismiss such claimants. Following discussions with the parties and after further consultation with the Court, the Special Master, on August 1, 2008, filed an Amended Motion for Order Dismissing, With Prejudice, All Plaintiffs in First MDL Resolution Program who have not submitted claim forms. Previously, on June 18, 2008, the PSC forwarded a draft of the Motion to plaintiffs' counsel whose clients were subject to the Motion and advised counsel that they had two weeks to contact the Special Master if they had any issue with the lists of plaintiffs/claimants subject to the Motion. The Amended Motion requests that once the Court enters an Order dismissing the plaintiffs listed on Exhibit A to the motion, the time limitation to seek removal from the Order shall be thirty (30) days.

The Special Master's office continues to review Claims Forms to determine if the Forms meet the qualifying criteria for submission to the Medical Panel set forth in the Term Sheet. The Special Master continues to notify the attorneys for the claimants that have deficiencies. Thus far, in Propulsid I, the Special Master has submitted 2,078 Tier I, II, and III claims to the medical panel for review. Of the 2,078 claims, Defendants have treated 1,779 on an expedited basis. Twenty (20) of the tiered claims submitted to the Panel have been found eligible by the panel, and the Special Master has made those awards. One hundred and one (101) tiered claims are still in review by the Panel, 70 of which are considered expedited by the Defendants.

On April 29, 2008, the Court entered an Order regarding the waiver of the 6% MDL assessment fee as to those claimants found eligible by the medical panel. As for those claimants

who have already received awards and whose awards were subject to the 6% assessment, the Clerk of Court remitted a check to the Special Master to reimburse those claimants for such assessment and further, the balance of the awards, the holdback 50% of the awards, was paid out from the Settlement Fund to each claimant that was found eligible for an award and who had previously received only 50% of their award.

The parties have agreed on a select number of cases that will be subject to a second review.

The weekly telephone conference with the Special Master, PLC, DLC and SLC continues to take place to discuss a number of administrative issues regarding the Resolution Program.

IV. Emergency Motion for Distribution of Attorney's Fees

On November 23, 2005, the Court issued an Order and Reasons regarding the Emergency Motion for Distribution of Attorney's Fees with full reservation of rights to all attorneys who may claim any right to common fees and expense reimbursement. On December 5, 2005, Daniel E. Becnel filed a Motion to Reconsider the Motion. The matter has been reset for hearing on September 24, 2008, at 9:00 a.m.

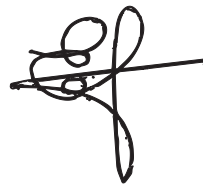
On March 2, 2006 Dumas & Associates Law Corporation filed a Motion for Common Benefit Fees and Expenses Reimbursements. On April 4, 2006, the PLC filed a response to the motion. A hearing date has not been set.

V. Motion for Leave to File Motion for Reimbursement of Costs for Common Benefit to the Class and Committee

On August 5, 2008, Robert J. Caluda and A.J. Rebennack filed a Motion for Leave to File Motion for Reimbursement of Costs for Common Benefit to the Class and Committee. The matter has been requested to be set for hearing on September 24, 2008 at 9:00 o'clock a.m.

VI. Next Status Conference

The next status conference will be held by telephone on September 18, 2008 at 1:30 p.m. Dial-in information for participation will be posted on the Propulsid MDL website prior to the conference.

A handwritten signature in black ink, consisting of several loops and a horizontal line extending to the right.