

**MINUTE ENTRY
FALLON, J.
SEPTEMBER 1, 2011**

**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. 92 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC). This conference was transcribed by Ms. Arlene Movahed, Official Court Reporter. Counsel may contact Ms. Mohaved at (504) 589-7777 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. The Special Master's Office is finalizing the clearance of any remaining administrative claims in both programs.

Pursuant to Section 23 of the Amendment to the Term Sheet, several plaintiffs requested a second review of the decisions rendered by the Medical Panel in their cases. Twenty-one of

those requests have been granted and submitted to the Medical Panel for a second review. The balance have been denied a second review.

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 (the Order was amended on December 3, 2009). On January 4, 2010, the Court issued an Order appointing a committee of plaintiffs' counsel and defense counsel to assist in recommending to the Court where the remainder of the funds should be allocated (Rec. Doc. 4023).

III. Attorney's Fees Issues

The PSC will be filing a motion, and the Court will address the attorney's fees issue at a later date.

IV. Motion Seeking Relief from Pre-Trial Order No. 2, Authorizing the Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and Closing Plaintiffs' Depository

On April 18, 2011, the PLC filed a Motion Seeking Relief from Pre-Trial Order No. 2, Authorizing the Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and Closing Plaintiffs' Depository. The Court granted the motion.

V. Motions to Dismiss

On June 16, 2011, the Defendants presented six Motions to Dismiss as to plaintiffs:

- 1) who failed to enroll;
- 2) whose claims have been processed;
- 3) whose claims have been deemed ineligible for awards and ineligible for \$250 payments;
- 4) whose claims were deemed ineligible for \$250 payments;
- 5) who failed to submit required medical records; and
- 6) whose claims were processed in the Second Program.

The Court granted all motions and in total dismissed 2,574 plaintiffs. Defendants are working with the Special Master to analyze plaintiffs who remain on the Court's docket.

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VI. Motion to Replace Defendants' Liaison Counsel on Charitable Contribution Committee

On August 16, 2011, Defendants filed a Motion to Replace Defendants' Liaison Counsel on Charitable Contribution Committee [Rec. Doc. 4379]. On August 17, 2011, the Court entered an order removing Charles Preuss as a member of the Charitable Contribution Committee and replacing with Lisbeth A. Warren [Rec. Doc. 4380].

VII. Current Propulsid II Timeline Status Report

1. Claim Forms were due on 12/1/07. The Special Master's Office has received 1,745 claim forms.

2. Medical Records were due on 1/30/08. To date, approximately 97 % of the claimants who have submitted claim forms have submitted medical records.

3. Claimant memorandums were due on 3/30/08. To date, the Special Master's Office

has received 9% of these on Tier claims.

4. Administrative claims began being processed on 4/1/08. To date, 915 of these claims have been paid and proceeds forwarded to claimants.

5. The Special Master's Office began clearing claims for defense briefing on 5/31/08. All qualified tier claims with medical records have been cleared for defense briefing.

6. The Special Master's Office began receiving defense memorandum on August 22, 2008.

7. Expedited claims began going to medical panels on August 28, 2008. Disbursements began on December 23, 2008 regarding administrative payments on any of these claims which were declared ineligible. It is anticipated that the next batch will be released to the defense for approval for payment on August 26, 2011.

8. Non-expedited claims began going to medical panels on September 27, 2008 and administrative payments on any of these claims which were declared ineligible began on December 23, 2008. It is anticipated that the next batch will be released to the defense for approval for payment on August 26, 2011.

9. Three of the eligible claims have been paid in full. Payment of the fourth eligible claim will be disbursed when the required documentation has been submitted.

10. Panel review status:

Total to Panel: 392

Eligible: 4

In review: 0

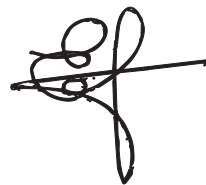
Ineligible: 388

VII. Next Status Conference

The next status conference will be held by telephone on November 3, 2011 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 110311 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.

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher. It appears to be a personal or official signature.