

**MINUTE ENTRY
FALLON, J.
OCTOBER 26, 2007**

**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. 59 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC).

I. State Liaison Counsel/MDL Resolution Program II

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 parties have set the deadlines for submission of enrollment and claims forms and notices will be posted on the Court's website at <http://propulsid.laed.uscourts.gov/>.

II. Trust Account

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

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 15,000 claimants who enrolled, but did not submit claims forms. The DLC has advised that it will seek

dismissal of claimants and is discussing the issue further with the PSC.

The Special Master reported that 1,072 Tier I, II, and III claims have been submitted to the medical panel for review. Of these 1,072 claims, 888 have been treated on an expedited basis. Six (6) of the submitted tiered claims have been found eligible by the panel, and the Special Master has made those awards. One hundred twelve (112) submitted claims are still in the review process, with 100 of these considered expedited by the Defendants.

On October 18, 2007, the Court, together with Special Master Juneau, conducted an orientation session for new Physician Panel Members, Dr. Rishi Anand and Dr. David E. Good.

The weekly telephone conference with the Special Master, PLC, DLC and SLC continues to take place to discuss 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 November 7, 2007 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. Liaison's Counsel Motion for Equitable Administration of the Settlement Agreement

On February 7, 2007, the PLC filed a sealed Motion for Equitable Administration of the Settlement Agreement, which Defendants opposed, regarding modification of the process in

which claims are approved or denied by the medical panel. This matter was set for hearing on April 4, 2007, but was continued without date. Defendants filed a sealed Motion for Judicial Declaration regarding Propulsid II on March 13, 2006, which was also continued without date. The parties have withdrawn their motions with a reservation of rights to reassert their positions, if necessary.

VI. Supplemental Agreement re: Propulsid I and II

The parties have reached an agreement, which is set forth in a “Supplemental Agreement re Propulsid 1 and 2” and August 30, 2007 Notice of the same. The Supplemental Agreement and Notice of same have been posted on the Court’s website.

VII. Next Status Conference

The next status conference will be held by telephone on November 29, 2007 at 9:00 a.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 a stylized, cursive script that is difficult to decipher. It appears to be a personal signature, possibly of a legal representative.