

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE: PROPULSID : **MDL NO. 1355**
 PRODUCTS LIABILITY LITIGATION :
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THIS DOCUMENT RELATES TO ALL CASES : **JUDGE FALLON**
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**MOTION SEEKING RELIEF FROM PRE-TRIAL ORDER NO. 2, AUTHORIZING
DESTRUCTION, DISPOSITION OR RETURN OF RECORDS PERTAINING TO
PROPULSID I AND II AND CLOSING THE PLAINTIFFS' DEPOSITORY**

On motion of the Plaintiffs' Steering Committee ("PSC"), and upon suggesting to the Court, the following:

I.

On October 2, 2000, the Court issued Pre-Trial Order No. 2. In Section V, it specifically set forth the organization of counsel and provided certain responsibilities of Plaintiffs' Liaison Counsel, Russ Herman and the PSC, see sections V (A) and (B).

II.

Some of the responsibilities of Plaintiffs' Liaison Counsel included among other things to serve as the recipient of all Court Orders, to maintain and to distribute to co-counsel and to Defendants Liaison Counsel, an up-to-date service list, to receive and distribute pleadings, orders and motions, to establish and maintain a document depository, to be available to all plaintiffs

counsel and to make available to all plaintiffs counsel, records. Furthermore, the PSC was delegated responsibilities that included among other things coordinating and conducting pre-trial discovery, to issue necessary discovery requests, motions and subpoenas, to handle hearings and meetings, to maintain adequate files of all pre-trial matters and have them available and perform other functions as authorized by Orders of the Court. All of these responsibilities have been undertaken and performed by Plaintiffs' Liaison Counsel and the PSC.

III.

There is no longer any need for Plaintiffs' Liaison Counsel and the PSC to retain certain records relating to the Propulsid Litigation because the Special Master has determined eligibility for payment under the terms and provisions of the Resolution Programs I and II and the Special Master has advised that the claims process has been completed. Further Plaintiffs Liaison Counsel and the PSC are not aware of any cases set or planned to be set for trial.

IV.

Before actually discarding, disposing, destroying or returning to the provider any documents, Plaintiffs' Liaison Counsel recommends that all claimants and their counsel be notified by the Court's Website www.laed.uscourts.gov that if they object to the discarding, disposing, destroying or returning to the provider such documents or records in the possession of Plaintiffs' Liaison Counsel or the PSC, they should file a written objection with the Court seven days in advance of the date set by the Court and show cause on the date set by the Court why such records should not be discarded, disposed, destroyed or returned to the provider.

V.

Plaintiffs' Liaison Counsel and the PSC seek to discard, dispose, destroy and/or return to the provider those documents that have heretofore been housed in the offices of Plaintiffs' Liaison Counsel and/or the Plaintiffs' Depository.

VI.

It is further recommended that absent any objection to such documents being discarded, disposed, destroyed or returned that Plaintiffs' Liaison Counsel and the PSC should be granted authorization to destroy such documents.

VII.

Further the PSC and Plaintiffs Liaison Counsel desire to cease the operation of a depository and seek approval of the Court to shut down and close the operation of a depository through relieving Plaintiffs Liaison Counsel and the PSC of its obligations set forth in Pre-Trial Order No.2.

WHEREFORE Leonard A. Davis requests that the court issue an Order, on behalf of the Plaintiffs' Steering Committee, authorizing relief from Pre-Trial Order No. 2 for the destruction, disposition or return of records pertaining to Propulsid I and II as well as the closing of the Plaintiffs' Depository.

/s/ Leonard A. Davis

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PLAINTIFFS' STEERING COMMITTEE

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Motion Seeking Relief From Pre-Trial Order No.2, Authorizing Destruction, Disposition Or Return Of Records Pertaining To Propulsid I and II and Closing The Plaintiff's Depository served on Defense Liaison Counsel by e-mail and by e-service to all parties by uploading same to Lexis/Nexis, on this 18th day of April, 2011.

/s/ Leonard A. Davis

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