

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

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LORETTA G. WHYTE
CLERK

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

**IN RE: PROPULSID
PRODUCTS LIABILITY LITIGATION**

¹³⁵⁵
: **MDL NO. ~~1335~~**
:
: **SECTION: L**
:
: **JUDGE FALLON**
: **MAG. WELLS ROBY**

THIS DOCUMENT RELATES TO ALL CASES:

**ORDER GOVERNING THE IDENTIFICATION OF INDIVIDUALS WHOSE CASES
ARE PENDING IN THE MDL**

The foregoing Motion for the identification of individuals, identified as live personal injury users and decedents in active federal cases as of 2/1/04, whose cases were then pending in the MDL or in federal court actions not yet transferred to the MDL be considered; and

IT IS HEREBY ORDERED that the Court recognizes those individuals identified in Exhibit "A", which is attached to and incorporated into this Order and comprises two separate documents identified as *Propulsid: Active Federal Personal Injury Users as of 02/01/2004* and *Propulsid: Active Federal Decedents as of 02/01/2004*, are all of the live personal injury users and decedents in active federal cases as of 2/1/04 whose cases are "pending in this Court" as defined in Paragraph 1B of the Program.

The Court further recognizes that the parties need this Order to determine if and when the minimum enrollment levels of 85% of death claimants and 75% of non-death claimants, as

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required by Section 1B of the Program, have been met and to determine if the levels of participation by the death and non-death claimants exceed these minimum requirements.

The purpose of this Order is simply to identify those parties who may be eligible to participate in the Program. Therefore, it is not dispositive of any plaintiff's rights or claims. In the event any party may seek to correct and/or modify their inclusion or exclusion from this Order, said party shall submit a proposed supplement to the other side with the appropriate explanatory information that supports the correction(s) and/or modification(s). After which, the parties will meet and confer with respect to the submission of an agreed upon Supplemental Order, failing which they may file the appropriate motion with this Court.

This Order shall not prejudice the rights of any plaintiff or claimant who is entitled to enroll in the MDL Program by its terms, but whose name is not presently included in Exhibit A. In such cases, the Order shall be amended in due course to include those plaintiffs or claimants in a supplement to Exhibit A. In the event this Order inadvertently includes the names of plaintiffs or claimants who are not entitled to enroll in the MDL Program, this Order shall not prejudice their rights and shall be amended in due course to delete their names from Exhibit A.

NEW ORLEANS, LOUISIANA, this 9th day of Oct, 2004


UNITED STATES DISTRICT COURT JUDGE

Law Firms Representing Achord Plaintiffs in the MDL

FIRM NAME	NUMBER OF ACHORD PLAINTIFFS
1. Andrus, Boudreaux, Lemoine & Tonore (listed in conjunction with Herman Mathis for same plaintiffs)	142
2. Baldwin & Baldwin	25
3. Barker, Boudreaux, Lamy & Foley	1
4. Barrios, Kingsdorf & Casteix	72
5. Caluda and Rebbennack Law Firm	13
6. Charles B. Colvin, Attorney at Law	2
7. Domengeaux, Wright, Roy & Edwards	64
8. Calvin C. Fayard, Jr.	2
9. Gauthier, Downing, LaBarre, Beiser & Dean	253
10. Herman, Mathis, Casey, Kitchens & Gerel	202
11. Ieyoub & Wyble	5
12. Kahn, Gauthier Law Firm	9
13. Kenneth B. Moll & Associates	3
14. Law Offices of Daniel Becnel	714
15. Law Offices of Richard J. Fernandez	1
16. Law Offices of Charles V. Taylor	2
17. Law Office of Wayne Yuspeh	1
18. LeBlanc & Waddell	181
19. McKernan Law Firm	2
20. Murray Law Firm	35
21. Neblett, Beard & Arsenault (listed in conjunction with LeBlanc & Waddell for same plaintiffs)	65
22. Rebecca Ann Cunard, Attorney & Counselor	28
23. Zimmerman Reed	2
TOTAL NUMBER OF ACHORD PLAINTIFFS	163