UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

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IN RE: PROPULSID

PRODUCTS LIABILITY LITIGATION

MDL NO. 1355

SECTION: L

JUDGE FALLON MAG. JUDGE ROBY

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JOINT MOTION OF PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL. TO ENTER PRETRIAL ORDER NO. 20 (PROVIDING FOR THE USE OF ELECTRONIC DATA PRESERVED BY JANSSEN PHARMACEUTICA'S SALES FORCE)

Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel hereby jointly move for an Order entering Pre-Trial Order No. 20 which provides for the use of electronic data preserved by Janssen Pharmaceutica's Sales Force. The Parties have met and conferred and agreed upon the attached Pre-Trial Order No. 20 and request that the court issue the attached Pre-Trial Order No. 20.

Respectfully submitted:

KUSS M. HERMAN, T.A. (La. Bar #6819)

LEONARD DAVIS, # 14190

HERMAN, MATHIS, CASEY, KITCHENS & GEREL, LLP

820 O'Keefe Ave.

New Orleans, LA 70113 Phone: (504) 581-4892 Fax: (504) 561-6024

LIAISON COUNSEL FOR PLAINTIFFS

DATE OF ENTRY

MAY 1 0 2004

DANIEL E. BECNEL, JR. 106 W. Seventh Street Reserve, LA 70084-0508 Phone: (504) 536-1186 Fax: (504) 536-6445

JAMES DUGAN 3500 N. Hullen Street Metairie, LA 70002 Phone: (504) 456-8600 Fax: (504) 456-8624

ARNOLD LEVIN 510 Walnut Street, Suite 500 Philadelphia, PA 19106-3875 Phone: (215) 592-1500 Fax: (215) 592-4663

STEPHEN B. MURRAY 909 Poydras St., Suite 2550 New Orleans, LA 70112 Phone: (504) 525-8100 Fax: (504) 584-5249 J. MICHAEL PAPANTONIO 316 S. Baylen Street, Suite 600 P.O. Box 12308 Pensacola, FL 32581 Phone: (850) 435-7000 Fax: (850) 435-7020

CHRISTOPHER A. SEEGER One William Street New York, NY 10004 Phone: (212) 584-0700 Fax: (212) 584-0799

BOB F. WRIGHT 556 Jefferson Street, Suite 500 Lafayette, LA 70502-3668 Phone: (337) 233-3033 Fax: (337) 232-8213

CHARLES S. ZIMMERMAN 651 Nicollet Mall, Suite 501 Minneapolis, MN 55402 Phone: (612) 341-0400 Fax: (612) 341-0844

PLAINTIFFS' STEERING COMMITTEE

JAMES B. IRWIN, T.A. (La. Bar. No. #7172)

QUENTIN F. URQUHART, JR. (La. Bar No. #14475)

KIME. MOORE (La. Bar No. #18653)

DEWIN FRITCHIE URQUHART & MOORE LLC

400 Poydras Street, Suite 2700 New Orleans, Louisiana 70130

Phone: (504) 310-2100 Fax: (504) 310-2101

LIAISON COUNSEL FOR DEFENDANTS, JANSSEN PHARMACEUTICA INC. AND JOHNSON & JOHNSON

DRINKER, BIDDLE & SHANLEY LLP THOMAS F. CAMPION SUSAN M. SHARKO 500 Campus Drive Florham Park, NJ 07932-1047

Phone: (973) 549-7300 Fax: (973) 360-9831

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and

PREUSS, SHANAGHER, ZVOLEFF & ZIMMER CHARLES F. PREUSS DONALD F. ZIMMER, JR. 225 Bush Street, 15th Floor San Francisco, CA 94104-4207

Phone: (415) 397-1730 Fax: (415) 397-1735

CO-LEAD COUNSEL FOR DEFENDANTS, JANSSEN PHARMACEUTICA INC. AND JOHNSON & JOHNSON

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served on defendants' liaison counsel,

James Irwin by hand delivery or electronically and upon all plaintiffs counsel of record electronically
or by electronically be uploaded to Verilaw in accordance with Pre-Trial Order No. 4 this 29th day
of April, 2004.

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

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MAG. WELLS-ROBY

PRETRIAL ORDER NO. 20 (Providing for the Use of Electronic Data Preserved by Janssen Pharmaceutica's Sales Force)

The production and preservation of Defendants' Electronic Data is governed by Pre-Trial Order No. 10. Pursuant to Pre-Trial Order No. 10, Section D, Defendants have preserved the electronic data of the Janssen sales force and the documents requested in Plaintiff's Merit Request for Production of Documents relating to data in the possession and control of its sales force. Accordingly,

The parties have agreed and therefore the Court ORDERS that the production of the electronic data shall be made, if at all, only after a respective case is remanded to the transferor court. The determination of whether this material, if sought to be produced, is discoverable under FRCP 26, shall be made by the transferor court.

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- Such agreement is without prejudice to either side and is subject to a full reservation of rights by both parties, including Defendants' right to seek recovery of costs and plaintiff's rights to object to any recovery.
- 3) Defendants waive any objection to delay or untimeliness with respect to the production of electronic data that is specifically the subject of this Order.

NEW ORLEANS, LOUISIANA, this _5 day of November, 2003.

UDGE ELDON E. FALLO

UNITED STATES DISTRICT COURT JUDGE

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