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24 Proceedings recorded by mechanical stenography, transcript  
25 produced by computer.



1 expect to hear from him shortly regarding that.

2           **THE COURT:** Are you-all going to use the same doctor  
3 panels, or are you going to have new panels.

4           **MR. ARSENAULT:** Presumably, Judge

5           **THE COURT:** All right. How about the trust account,  
6 any report on that?

7           **MR. IRWIN:** Status quo, Your Honor.

8           **THE COURT:** All right. The next item is the MDL  
9 mediation resolution program. I have a report from the master  
10 saying that there are over 15,000 claimants who enrolled but  
11 did not submit claim forms and they're going to be moving for  
12 dismissal of those cases.

13           **MR. DAVIS:** Good morning. This is Leonard Davis.

14           **THE COURT:** Yes. Hello, Lenny.

15           **MS. BARRIOS:** Good morning. Dawn Barrios.

16           **THE COURT:** All right. Dawn, we've talked about the  
17 state liaison counsel resolution program II. Richard brought  
18 us all up to date on it. Lenny, there was nothing on the trust  
19 account, unless you have something there.

20           **MR. DAVIS:** No, just that an additional deposit was  
21 made.

22           **THE COURT:** All right. What about the mediation  
23 resolution program? I mentioned just as you came on the line  
24 that there were 15,000 claimants who enrolled, but did not  
25 submit claim forms and I anticipate a motion to dismiss those

1 claims. Anything from you --

2 **MR. DAVIS:** I know that the folks at J & J have  
3 spoken about that and they've told us that that is going to be  
4 coming. So that's not a shock to us.

5 We're happy that since the new doctors are in  
6 and the program is back up and running a little faster than  
7 before, that more and more claims are getting through and  
8 Special Master Juneau has been advising us on their weekly  
9 calls as to the progress and we understand that there are a  
10 number of claims that are in line, they're in the queue to be  
11 reviewed.

12 There have also been some additional claims that  
13 have gone through the process, and some additional claimants  
14 have gone through so that they get entitlement out of the  
15 settlement fund, which we're, on our side, happy to hear about.  
16 We hope that there will be more that get through as this moves  
17 along. I know we'll be updated on the weekly calls, which I  
18 think are very beneficial.

19 **THE COURT:** Richard, you and Dawn got to keep an eye  
20 on that to determine whether the panel's working the way that  
21 you feel they ought to and if so, adopt them; if not, start at  
22 the beginning to kind of at least think about it so that we  
23 don't have any difficulty as it moves on.

24 **MR. ARSENAULT:** Yes, Your Honor.

25 **THE COURT:** Okay. Anything from you, Jim, on any of

1 the mediation resolution programs?

2 **MR. IRWIN:** Your Honor, I would just echo what Lenny  
3 said about how the weekly updates have been very helpful. It  
4 does feel like the system's back running again.

5 **THE COURT:** Okay. Good. There was a motion for  
6 distribution of attorney's fees, but that looks like that's at  
7 least not necessary to talk about at this time; is that right?

8 **MR. DAVIS:** I think we can pass on that at this  
9 point.

10 **THE COURT:** Supplemental agreement re: Propulsid  
11 I and II, anything on that?

12 **MR. DAVIS:** I don't think there's anything more. In  
13 fact, we probably can remove that from the joint report, if  
14 it's okay with Your Honor.

15 **THE COURT:** Okay. Any new business? Anything we  
16 need to talk about other than what we've just discussed?

17 **MR. DAVIS:** Happy New Year.

18 **MR. IRWIN:** Happy New Year, Your Honor.

19 **THE COURT:** Okay. Anything from anybody? All right,  
20 folks. Thank you very much. Our next meeting will be  
21 February 28th, a telephone conference status report, 9:00 a.m.

22 **MR. DAVIS:** That seems fine.

23 **MR. IRWIN:** That's fine. Thank you very much, Your  
24 Honor.

25 **MR. DAVIS:** Thank you, Your Honor.

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**THE COURT:** Thank you.

**MS. BARRIOS:** Thank you, Your Honor,.

**(WHEREUPON, the Court was adjourned.)**

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**CERTIFICATE**

I, Jodi Simcox, RMR, Official Court Reporter for the United States District Court, Eastern District of Louisiana, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability and understanding, from the record of the proceedings in the above-entitled and numbered matter.

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Jodi Simcox, RMR  
Official Court Reporter