

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

M
FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2005 OCT 14 PM 2:32
LORETTA G. WHYTE
CLERK

IN RE: PROPULSID PRODUCTS
LIABILITY LITIGATION

: MDL DOCKET NO. 1355
:
: SECTION: L
:
: JUDGE ELDON E. FALLON
:
: MAGISTRATE JUDGE WELLS
: ROBY

THIS DOCUMENT RELATES TO
*SUSAN FAIRCHILD V. JOHNSON
& JOHNSON. ET AL*
#01-0592

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL OF RECORD

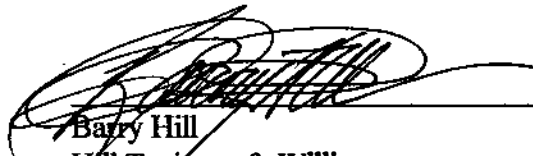
COMES NOW, Barry Hill, of the law firm Hill Toriseva & Williams, and moves this Court to permit him and his firm leave to withdraw as counsel of record for Susan Fairchild and in support of said Motion shows as follows:

1. As referenced in the Court's Consent Order issued February 4, 2004, the Plaintiffs' Steering Committee and Defendants, Janssen Pharmaceutica Inc. and Johnson & Johnson, have negotiated a comprehensive MDL resolution program ("the Program").
2. Hill Toriseva & Williams through undersigned counsel, represents multiple plaintiffs with cases pending in the Propulsid MDL litigation. Hill Toriseva & Williams has recommended to all of their clients in the Propulsid MDL litigation to participate in the Program.
3. Hill Toriseva & Williams has attempted to contact Susan Fairchild to advise her of the Program and to recommend that she enroll in the Program.
4. After these repeated attempts, Susan Fairchild has failed to respond to undersigned counsel's attempts, demonstrating a complete lack of cooperation.

| | |
|------------|-------|
| Fee | _____ |
| Process | _____ |
| X: Extd | _____ |
| ✓: CtRmDep | _____ |
| Doc. No. | _____ |

5. The Program requires counsel who wishes to enroll their MDL plaintiffs in the Program to enroll 100% of the MDL plaintiffs represented by counsel. Therefore, Barry Hill and the law firm of Hill Toriseva & Williams wish to withdraw as counsel of record for Susan Fairchild.
 6. Hill Toriseva & Williams has served Susan Fairchild with a copy of this Motion by certified mail, restricted delivery.
 7. Susan Fairchild will continue to be represented by Richard Hanes of Hanes & Schultz.
- Therefore, Barry Hill and the law firm of Hill Toriseva & Williams move this Court for leave to withdraw as counsel of record for Susan Fairchild.

Respectfully Submitted,



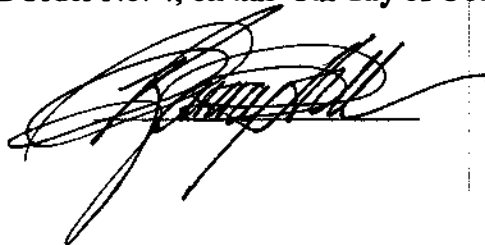
Barry Hill
Hill Toriseva & Williams
89 12th Street
Wheeling, WV 26003
Telephone: (304) 233-4966
Facsimile: (304) 233-4969

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

| | | |
|------------------------------------------------------------------------------------------------------|---|----------------------------------------|
| IN RE: PROPULSID PRODUCTS LIABILITY LITIGATION | : | MDL DOCKET NO. 1355 |
| | : | |
| | : | SECTION: L |
| | : | |
| THIS DOCUMENT RELATES TO SUSAN FAIRCHILD V. JOHNSON & JOHNSON. ET AL #01-0592 | : | JUDGE ELDON E. FALLON |
| | : | |
| | : | MAGISTRATE JUDGE WELLS ROBY |

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing **Motion to Withdraw as Counsel of Record** and proposed **Order Granting Motion to Withdraw** has been sent via e-mail and via U.S. Mail to Richard Hanes, Esq.; Russ M. Herman, Plaintiffs' Liaison Counsel; and James B. Irwin, Defendants' Liaison Counsel, and that an electronic version has been uploaded to Lexis-Nexis File & Serve in accordance with Pretrial Order No. 4, on this **5th day of October, 2005**.

A handwritten signature in black ink, appearing to be "Richard Hanes", written in a cursive style.