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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: PROPULSID \* Docket MDL NO. 1355-L  
PRODUCTS LIABILITY LITIGATION \*  
\* May 24, 2007  
\*  
\* New Orleans, Louisiana  
\* \* \* \* \*

STATUS CONFERENCE IN CHAMBERS  
BEFROE THE HONORABLE ELDON E. FALLON  
UNITED STATES DISTRICT JUDGE

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PROCEEDINGS IN CHAMBERS

(May 24, 2007)

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3           **THE COURT:** Hello. Good afternoon, folks. This is  
4 Judge Fallon. Who do I have?

5           **MR. DAVIS:** Hello, Judge.

6           **THE COURT:** Okay. Why don't you give us your names.

7           **MR. ZIMMERMAN:** Judge, Chucky Zimmerman.

8           **MR. CAMPION:** Tom Champion.

9           **MR. PREUSS:** Chuck Preuss.

10          **MR. DAVIS:** Lenny Davis.

11          **MR. MURRAY:** Steve Murray.

12          **MR. ARSENAULT:** Richard Arsenault.

13          **MR. LEVIN:** Arnold Levin.

14          **MR. LONGER:** Fred Longer, Your Honor.

15          **MR. HINKLE:** John Hinkle, Your Honor.

16          **MS. WILKINSON:** Jennifer Wilkinson.

17          **THE COURT:** Is that it?

18          **MS. GARSAUD:** Judge, Monique Garsaud.

19          **THE COURT:** All right. We're here today for our  
20 monthly status conference. I have received from the parties  
21 the joint motion. The first item on the agenda is the state  
22 liaison counsel MDL resolution program II. Anything on that?

23          **MR. DAVIS:** Your Honor, this is Lenny for the  
24 plaintiffs. I'd be happy to go forward, and others can chime  
25 in if they deem appropriate.

1           **THE COURT:** Okay.

2           **MR. DAVIS:** With respect to state liaison counsel,  
3 there's nothing additional to report, other than what's in the  
4 joint report.

5           **MR. CAMPION:** Tom Campion. Mr. Herman and I have  
6 been discussing a document. We have not yet been in a position  
7 to circulate and agree upon it, but the matter is receiving  
8 daily attention.

9           **MR. DAVIS:** And my appreciation from Russ is, in  
10 fact, that he and Tom have been in discussions and we are  
11 moving forward, hopefully.

12           **THE COURT:** All right. Well, I'm going to have to  
13 follow-up with you folks on that, Tom, you and Russ, or you,  
14 Russ and Lenny and see if I can be of assistance to finishing  
15 this up. I think it's just about resolved. It should be put  
16 to bed soon.

17                           Trust account is the next item.

18           **MR. DAVIS:** There's nothing new to report. There's  
19 been no additional deposits.

20           **THE COURT:** Three, MDL mediation/resolution program.  
21 Anything?

22           **MR. DAVIS:** I don't know if anyone from the special  
23 master's office is on, and I have not seen a report.

24           **MR. CAMPION:** Report just came through about 20  
25 minutes ago.

1           **MR. DAVIS:** Okay. I have just not received it.

2           **THE COURT:** Tom, are you able to report on that?

3           **MR. CAMPION:** Yes, Judge. Give me a moment. I'll  
4 get it.

5           **THE COURT:** All right.

6           **MR. DAVIS:** Tom, can you forward that to me when you  
7 get a chance?

8           **MR. CAMPION:** Yes, I will.

9           **MR. DAVIS:** Thank you.

10           **MR. CAMPION:** The report of special master is as of  
11 May 24, 478 matters have gone to the panel; 336 of them were  
12 expedited; six have been found eligible; 476 have been found  
13 ineligible. But of that 476 number, 336 were expedited.

14                   Review at the present time are two matters, both  
15 of which are considered expedited. The special master reports  
16 that the split decision number remains the same: 12 split  
17 decisions; four found eligible; eight found ineligible; and  
18 that's the report from the special master of as of today.

19           **THE COURT:** Okay.

20           **MR. DAVIS:** And we continue to have our weekly calls  
21 with the special master.

22           **MR. PREUSS:** The only correction I'd make, Your  
23 Honor -- this is Chuck Preuss -- on the two in review, neither  
24 are expedited.

25           **THE COURT:** All right.

1           **MR. CAMPION:** Yeah, you're right, Chuck. I'm sorry.

2           **THE COURT:** The next item is pro se plaintiffs.

3 Anything on that item?

4           **MR. DAVIS:** Your Honor, we have gotten a couple of  
5 orders from you asking us to communicate with various pro se  
6 folks or others. And I just bring that issue up, in  
7 particular, one recent, I think you saw a rather lengthy letter  
8 from us.

9           **THE COURT:** Yes, I have. Right.

10          **MR. DAVIS:** I hope that adequately responds --

11          **THE COURT:** Yes, I think it does. We have some folks  
12 who have difficulty understanding or communicating, and some of  
13 it is just in an attempt to communicate with them several  
14 times. We're going to have to act on it, or I'm going to have  
15 to get them in court and talk with them about it if they  
16 persist.

17          **MR. DAVIS:** I did want to bring the issue up, really  
18 for this reason, just so that all parties were aware that when  
19 it involves a particular claimant of a particular law firm,  
20 such as one of them that involved our law firm, I just wanted  
21 everyone to be aware that that been submitted under seal and in  
22 camera to the Court and not copied to the defendants.

23                   I just want a disclosure, that's why I brought  
24 that particular one up. Other than that, we will respond as  
25 the Court directs to these various pro se or individual folks.

1           **THE COURT:** Motion for distribution of attorney fees.

2           **MR. DAVIS:** There's nothing to address at this time.

3           **THE COURT:** Sixth item is liaison counsel's motion  
4 for equitable administration of the settlement agreement.

5           **MR. DAVIS:** Mr. Campion addressed that. We're in  
6 discussions; and at this point, we will continue our  
7 discussions and report back to the court.

8           **THE COURT:** Another item is *Patricia Barnes versus*  
9 *Janssen*.

10          **MR. DAVIS:** Monique, you may have some information on  
11 that. We have not been directly involved in that.

12          **MS. GARSAUD:** Yes. I just know it's been submitted  
13 to the Court, the motion and our opposition.

14          **THE COURT:** Okay. Any new business from anyone?

15          **MR. DAVIS:** Not from the plaintiffs.

16          **THE COURT:** Anything from the states?

17          **MR. CAMPION:** No, Your Honor.

18          **THE COURT:** All right, folks. Well, Tom, I'll be  
19 following up probably tomorrow with you and Russ.

20          **MR. CAMPION:** Thank you, Judge.

21          **THE COURT:** All right. Thank you very much.  
22 Anything else from anyone?

23          **MR. DAVIS:** No, Judge. Thank you.

24          **MR. CAMPION:** Thank you.

25          **THE COURT:** Thank you very much.

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(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.

\_\_\_\_\_  
Jodi Simcox, RMR  
Official Court Reporter