

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: * MDL NO. 00-1355
*
PROPULSID PRODUCTS LIABILITY * Section "L"
LITIGATION *
* New Orleans, Louisiana
*
* November 5, 2008

MOTION FOR REIMBURSEMENT,
BEFORE THE HONORABLE ELDON E. FALLON,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiffs: Law Office of A.J. Rebennack, Jr.
By: A.J. REBENNACK, JR., ESQ.
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Metairie, Louisiana 70001

Liaison Counsel for Plaintiffs: Herman, Herman, Katz & Cotlar
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P R O C E E D I N G S

(Wednesday, November 5, 2008)

(Call to Order of the Court)

THE COURT: Call the next case, please.

THE CLERK: This is MDL Number 1355, *In Re: Propulsid*.

MR. REBENNACK: Good morning, Your Honor.

THE COURT: Good morning.

MR. REBENNACK: A.J. Rebennack.

THE COURT: Good morning, A.J.

MR. HERMAN: May it please the Court, Your Honor, in 1355, I'm Russ Herman, Liaison Counsel opposing the motion.

THE COURT: Okay.

MR. HERMAN: With me is Mr. Davis of our firm.

THE COURT: All right.

Okay Mr. Rebennack, I have your Motion for Reimbursement.

MR. REBENNACK: Yes, sir. And very briefly, Your Honor.

THE COURT: Sure.

MR. REBENNACK: I know Your Honor has read the motion and is very familiar with the Propulsid matter.

THE COURT: Yes.

MR. REBENNACK: Your Honor, very, very brief comments. I believe that what we have done, even though it

1 wasn't offered by the Committee or authorized by the Committee,
2 I believe that what Mr. Romney (phonetic) and myself did, the
3 work that we did is quote-unquote common benefit.

4 THE COURT: Yes, sir.

5 MR. REBENNACK: We in essence handled the **Daubert**
6 proceeding for the entire case.

7 The Committee, after our work was done, did not seek
8 **to re-urge the Daubert matter but I believe relied upon it in**
9 **coming to a settlement. Your Honor made a ruling on the**
10 **science of what it was and what it wasn't.** We are asking
11 Your Honor for simply our reimbursement of costs, and the
12 overwhelming majority of it is Dr. Shell, Dr. Eckberg
13 (phonetic) and the defense doctor that we deposed, Dr. St.
14 Martin.

15 We are not asking for any attorneys fees. We're
16 simply asking for the costs, Your Honor.

17 THE COURT: Yes, sir.

18 MR. REBENNACK: We believe that it certainly was
19 common benefit to the Committee. Had we not done this work,
20 the Committee would have had to do it, and the total cost that
21 we have, Your Honor, and which we have in our brief is
22 \$33,476.53.

23 THE COURT: Yes, sir.

24 MR. REBENNACK: Thank you, Judge.

25 THE COURT: Okay.

1 MR. HERMAN: May it please the Court, Your Honor, in
2 view of the fact that Counsel is not asking for hours and the
3 fact that Doctors Eckberg and Shell at one time or another
4 were interviewed by the PSE Science Committee, if Counsel
5 limits his claim to the costs which he has announced to the
6 Court, we will submit a motion to Your Honor recognizing those
7 costs.

8 But I want to understand that Counsel stipulates that
9 is the entire claim.

10 MR. REBENNACK: That is correct.

11 THE COURT: That is how you see it, A.J.?

12 MR. REBENNACK: We stipulate it, sir.

13 THE COURT: Yes, okay. All right, I am going to let
14 you all get together.

15 MR. REBENNACK: Thank you.

16 THE COURT: And see if you can work it out. Give me
17 something and I'll --

18 MR. REBENNACK: And I would like --

19 MR. HERMAN: Thank you, Your Honor.

20 THE COURT: -- and I'll deal with it.

21 MR. REBENNACK: And I would like to thank Mr. Herman
22 on the record for his graciousness --

23 THE COURT: Okay.

24 MR. REBENNACK: -- in this matter.

25 THE COURT: All right. Thank you.

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MR. REBENNACK: Thank you, Your Honor.

THE COURT: All right, thank you all.

* * * * *

(Hearing is Concluded)

C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceeding in the above-entitled matter.

S/Sherryl P. Robinson
Sherryl P. Robinson

11/18/08
Date