

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

IN RE: PROPULSID : **MDL NO. 1355**
: **SECTION "L"**
PRODUCTS LIABILITY LITIGATION : **JUDGE FALLON**
:
:

**JOINT MOTION TO AMEND THE COURT'S ORDER
DATED NOVEMBER 30, 2009, AUTHORIZING DISTRIBUTION
OF MDL 1 SETTLEMENT FUND**

On November 24, 2009, The Plaintiffs' Steering Committee ("PSC") and Defendants filed a Joint Motion for an Order Authorizing Distribution of MDL 1 Settlement Fund. In their motion, the parties asked the Court for an order: (1) authorizing the transfer of funds from the Settlement Fund of the MDL 1 Propulsid Resolution Program ("MDL 1 Program") to the Canadian Propulsid Resolution Program; (2) authorizing the distribution of funds from the Settlement Fund of the MDL 1 Propulsid Program (in an amount equal to the transfer to the Canadian Program) for charitable purposes consistent with the purposes of the MDL 1 Program; and (3) authorizing the return of the unused balance of Program funds to the Defendants upon completion of the MDL 1 Program.

On November 30, 2009, the Court granted the parties' joint motion. In paragraph one of its order, the Court authorized the transfer of \$8.75 million (Canadian) from the Settlement Fund of the MDL 1 Propulsid Resolution Program Fund to the Propulsid Resolution Program, the

exact exchange rate to be determined on the date of the entry of its Order (November 30, 2009).

Because the exchange rates can fluctuate daily and this transfer is expected to take place on December 3, 2009, the parties request that the Court amend its November 30, 2009 order to reflect that the exchange rate is to be determined on the date of the transfer.

Respectfully Submitted By:

/s/ Monique M. Garsaud

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Joint Motion to Amend the Court's Order Dated November 30, 2009, Authorizing Distribution of MDL 1 Settlement Fund has been served upon all parties by electronically uploading the same to LexisNexis File & Serve, and that the foregoing was electronically filed with the Clerk of Court of the United States District court for the Eastern District of Louisiana by using the CM/ECF system which will send a Notice of Electronic Filing on this 3rd day of December, 2009.

/s/ Monique M. Garsaud