

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

<b>IN RE:</b>	<b>PROPULSID PRODUCTS LIABILITY LITIGATION</b>	:	<b>MDL NO. 1355</b>
		:	
		:	
		:	<b>SECTION: L</b>
		:	
<b>THIS DOCUMENT RELATES TO ALL CASES</b>		:	<b>JUDGE FALLON MAG. WELLS ROBY</b>
		:	

.....

**JOINT REPORT NO. 90 OF PLAINTIFFS'  
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 90 in preparation of the April 21, 2011 Monthly Status Conference. To participate via telephone, dial-in information may be accessed on the Court's website at <http://propulsid.laed.uscourts.gov/>.

**I. MDL Resolution Programs I and II**

MDL Resolution Programs I and II are nearing an end. All qualified tiered claims have been submitted to the Medical Panel in both programs. The Special Master's Office is finalizing the clearance of any remaining administrative claims in both programs.

As to Propulsid I, the Special Master has submitted 4,245 Tier I, II and III claims to the Medical Panel for review. Of the 4,245 claims the Defendants have treated 3,528 on an expedited basis. Thirty-two (32) of the tiered claims submitted to the Panel have been found

eligible by the Panel, and the Special Master has made those awards. (All numbers in this paragraph are current through April 19, 2011).

As to Propulsid II, three hundred eighty-one (381) claims have been submitted to the Medical Panel for review, of which defendants have treated 326 on an expedited basis (these numbers are current through April 19, 2011). Three (3) claims have been found eligible. The SLC will submit a detailed report to the Court prior to the Status Conference.

The parties will be prepared to discuss these issues further at the April 21, 2011 Monthly Status Conference.

## **II. Distribution of MDL Settlement Funds**

On November 30, 2009, the Court issued an Order granting Joint Motion for an Order authorizing Distribution of MDL I Settlement Funds which authorized the transfer of 8.75 million (Canadian) from the Settlement Fund of the MDL I Propulsid Resolution Program Fund to the Propulsid Resolution Program and further authorized a distribution in the same amount for appropriate contributions to charitable organizations. The Court issued an Order on January 4, 2010 appointing a committee of plaintiff's counsel and defense counsel to assist in recommending to the Court where the remainder of the funds should be allocated [Rec. Doc. 4023].

## **III. Attorney's Fees Issues**

On December 1, 2010, the Court issued an Order [Rec. Doc. 4153] approving the distribution of funds to pay expenses. In addition, the PSC will be filing a motion and the Court will address the attorney fees issue at a later date.

**NEW ITEMS:**

**IV. Amended Motion for Order Dismissing with Prejudice Claims of Plaintiffs who failed to Enroll in the MDL Resolution Program and Motions to Dismiss**

On April 13, 2011, Defendants Johnson & Johnson and Janssen, L.P. filed an Amended Motion for Order Dismissing with Prejudice the Claims of Plaintiffs who Failed to Enroll in the MDL Resolution Program, [Rec. Doc. 4326]. All affected parties were served through their counsel of record via the Court's CM/ECF system, U.S. Mail (certified, return receipt requested) and Lexis/Nexis. The Motion has also been uploaded to the Court's website. The hearing is set on this Motion for June 16, 2011 at 9:00 a.m. [Rec. Doc. 4327].

The Defendants are working with the Special Masters office to obtain reports listing: plaintiffs who have qualified and been paid for the administrative fee; plaintiffs who did not qualify for the administrative fee; and plaintiffs who failed to submit medical records. Following receipt of these reports, Defendants will prepare omnibus Motions to Dismiss as to these groups.

**VI. Motion Seeking Relief from Pre-Trial Order No. 2, Authorizing the Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and Closing the Plaintiffs' Depository**

On April 18, 2011 Plaintiffs filed a Motion Seeking Relief from Pre-Trial Order No. 2, Authorizing the Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and Closing the Plaintiffs' Depository [Rec. Doc. 4330]. The hearing is set on this Motion for May 11, 2011 at 9:00 a.m.

Respectfully submitted,

/s/ Monique M. Garsaud

**JAMES B. IRWIN, T.A. (La. Bar No. 7172)**  
QUENTIN F. URQUHART, JR. (La. Bar No. 14475)  
KIM E. MOORE (La. Bar No. 18653)  
MONIQUE M. GARSAUD (La. Bar No. 25393)  
IRWIN FRITCHIE URQUHART & MOORE, LLC  
400 Poydras Street, Suite 2700  
New Orleans, Louisiana 70130  
Phone: (504) 310-2100  
Fax: (504) 310-2101  
**LIAISON COUNSEL FOR Defendants,  
JANSSEN, L.P. AND JOHNSON & JOHNSON**

DRINKER BIDDLE & REATH LLP  
THOMAS F. CAMPION  
SUSAN M. SHARKO  
500 Campus Drive  
Florham Park, NJ 07932-1047  
Phone: (973) 549-7300  
Fax: (973) 360-9831-**and-**

DRINKER BIDDLE & REATH, LLP  
CHARLES F. PREUSS  
50 Fremont Street, 20<sup>th</sup> Floor  
San Francisco, CA 94105-2235  
Phone: (415) 591-7500  
Fax: (415) 591-7510  
**CO-LEAD COUNSEL FOR Defendants,  
JANSSEN, L.P. AND  
JOHNSON & JOHNSON**

/s/ Leonard A. Davis

**RUSS M. HERMAN, T.A. (La. Bar #6819)**  
LEONARD A. DAVIS, #14190  
JAMES C. KLICK, #7451  
HERMAN GEREL, LLP  
820 O'Keefe Avenue  
New Orleans, Louisiana 70113  
Phone: (504) 581-4892; Fax: (504) 561-6024  
**LIAISON COUNSEL FOR PLAINTIFFS**

DANIEL BECNEL, JR.  
106 W. Seventh Street  
Reserve, LA 70084-0508  
Phone: (504) 536-1186  
Fax: (504) 536-6445

JAMES DUGAN  
650 Poydras Street  
Suite 2150  
New Orleans, LA 70130  
Phone: (504) 648-0180  
Fax: (504) 648-0181

ARNOLD LEVIN  
510 Walnut Street, Suite 500  
Philadelphia, PA 19106-3875  
Phone: (215) 592-1500  
Fax: (215) 592-4663

STEPHEN B. MURRAY  
909 Poydras Street, Suite 2550  
New Orleans, LA 70112  
Phone: (504) 525-8100  
Fax: (504) 584-5249

J. MICHAEL PAPANTONIO  
316 S. Baylen Street, Suite 600  
P.O. Box 12308  
Pensacola, FL 32581  
Phone: (850) 435-7000  
Fax: (850) 435-7020

CHRISTOPHER A. SEEGER  
One William Street  
New York, NY 10004  
Phone: (212) 584-0700  
Fax: (212) 584-0799

BOB F. WRIGHT  
556 Jefferson Street, Suite 500  
Lafayette, LA 70502-3668  
Phone: (337) 233-3033  
Fax: (337) 232-8213

CHARLES S. ZIMMERMAN  
651 Nicollet Mall  
Suite 501  
Minneapolis, MN 55402  
Phone: (612) 341-0400  
Fax: (612) 341-0844

**PLAINTIFFS' STEERING COMMITTEE**

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 90 of Plaintiffs' and Defendants' Liaison Counsel 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 20<sup>th</sup> day of April, 2011.

*/s/Leonard A. Davis*

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

<b>IN RE: PROPULSID</b>	:	MDL NO. 1335
<b>PRODUCTS LIABILITY LITIGATION</b>	:	SECTION: L
	:	JUDGE FALLON
	:	MAG. WELLS ROBY
<b>THIS DOCUMENT RELATES TO</b>	:	
<b>ALL CASES</b>	:	
	:	
.....		

**Monthly Status Conference**  
**April 21, 2011**  
**1:30 p.m.**

**AGENDA**

**Current Matters:**

1. MDL Resolution Programs I and II
2. Distribution of MDL Settlement Funds
3. Attorney's Fees Issues
4. Motion to Dismiss Non-Enrolled Plaintiffs
5. Defendants' Amended Motion for Order Dismissing With Prejudice the Claims of Plaintiffs Who Failed to Enroll in the MDL Resolution Program and Other Motions to Dismiss.
6. Motion Seeking Relief From Pre-Trial Order No.2, Authorizing Destruction, Disposition or Return of Records Pertaining to Propulsid I & II and closing the Plaintiffs' Depository