

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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

**JOINT REPORT NO. 92 OF PLAINTIFFS'
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 92 in preparation of the August 25, 2011 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. In addition, the Special Master's Office is finalizing the clearance of any remaining administrative claims in both programs.

Pursuant to Section 23 of the Amendment to the Term Sheet, several plaintiffs requested a second review of the decisions rendered by the Medical Panel in their cases. 21 of those requests have been granted and submitted to the Medical Panel for a second review. The balance have been denied a second review.

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 plaintiffs' counsel and defense counsel to assist in recommending to the Court where the remainder of the funds should be allocated [Rec. Doc. 4023].

III. Attorneys' Fees Issues

The PSC will be filing a motion and the Court will address the attorney fees issue at a later date.

IV. 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] On May 11, 2011, the Court entered a Minute Entry granting the motion [Rec. Doc. 4344].

V. Motions to Dismiss

On June 16, 2010, the Defendants presented six Motions to Dismiss as to plaintiffs:

- 1) who failed to enroll;
- 2) whose claims have been processed;
- 3) whose claims were deemed ineligible for awards and ineligible for \$250 Payments;

- 4) whose claims were deemed ineligible for \$250 payments;
- 5) who failed to submit required medical records and;
- 6) whose claims were processed in the Second Program.

The Judge granted all Motions and in total dismissed 2,574 plaintiffs. [Rec. Docs. 4358, 4359, 4360, 4361, 4362, 4362] Defendants are working with the Special Master to analyze plaintiffs who remain on the Court's docket and will be prepared to discuss this issue further at the status conference on August 25, 2011.

NEW ITEMS

VI. Motion to Replace Defendants' Liaison Counsel on Charitable Contribution Committee

On August 16, 2011, Defendants filed a Motion to Replace Defendants' Liaison Counsel on Charitable Contribution Committee [Rec. Doc. 4379]. On August 17, 2011, the Court entered an Order removing Charles Preuss as a member of the Charitable Contribution Committee and replacing with Lisbeth A. Warren [Rec. Doc. 4380].

Respectfully submitted,

/s/ Monique M. Garsaud

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PLAINTIFFS' STEERING COMMITTEE

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Joint Report No. 92 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 23rd day of August, 2011.

/s/Leonard A. Davis

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

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Monthly Status Conference
August 25, 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 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
5. Motions to Dismiss
6. Motion to Replace Defendants' Liaison Counsel on Charitable Contribution Committee