

**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. 96 OF PLAINTIFFS'  
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 96 in preparation of the May 17, 2012 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.

**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. On October 26, 2011, the parties

brought before the Court a Joint Petition to Distribute the Charitable Fund, which the Court granted on the same day. [Rec. Doc. 4406, 10/26/11]. Defendants have coordinated the release of the money, \$8,317,416.31 (U.S. Dollars) from Deutsche Bank to Louisiana Health Public Initiative (LPHI).

On December 15, 2011, the Court issued an Order [Rec. Doc. 4425] on the Joint Motion and Order for Partial Disbursement of Settlement Funds to Defendant Johnson & Johnson granting the motion and disbursing \$40,000,000.00 out of the Settlement Fund in MDL I and \$5,000,000.00 out of the Settlement Fund in MDL II to Defendant Johnson & Johnson, and further ordered that if the Court at a later date determines that the Settlement Funds in the MDL I and/or MDL II are insufficient and additional funds are needed to satisfy any remaining claims, Johnson & Johnson shall return and replenish the settlement funds.

### **III. Attorneys' Fees Issues**

On March 15, 2012, the PSC filed a Motion for Distribution of Additional Attorney's Fees and Reimbursement of Costs (Re: MDL Settlement Program I) [Rec. Doc. 4465]. The matter was set for hearing, with oral argument, on April 25, 2012 [Rec. Doc. 4467]. On April 25, 2012, the Court issued an Order on the motion [Rec. Doc. 4497]. A Motion for Distribution of Attorney's Fees regarding MDL Settlement Program II will be addressed at a later date.

### **IV. Motions to Dismiss**

Over 4200 plaintiffs have been dismissed and terminated from the Court's docket. Recently, Defendants have filed numerous Motions to Dismiss and Stipulations of Dismissals, covering approximately 1400 plaintiffs in the following categories: claims which have been processed and paid; claims which were ineligible for payment; plaintiffs who failed to prosecute their claims; claims which did not qualify for the Resolution Programs; and/or plaintiffs who did

not enroll in the Resolution Programs. Two Motions to Dismiss covering approximately 140 plaintiffs were set for hearing/submission on May 9, 2012. A third Motion to Dismiss covering 55 plaintiffs is set for hearing/submission on June 6, 2012. Other than the foregoing plaintiffs on pending Motions, approximately 200 plaintiffs will remain on the Court's docket. The goal of undersigned counsel and the Special Master is to have all the remaining claims processed and dismissed as soon as possible, and the parties and the Special Master are working diligently toward that goal. The parties will be prepared to discuss this further at the May 17, 2012 Status Conference.

Respectfully submitted,

s/ *Brian P. Quirk*

**JAMES B. IRWIN, T.A. (La. Bar No. 7172)**

BRIAN P. QUIRK (La. Bar No. 19748)

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

DRINKER BIDDLE & REATH, LLP

TRACIE MILITANO ROSEN

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**

**PLAINTIFFS' STEERING COMMITTEE**

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

JAMES DUGAN  
365 Canal Street  
Suite 1000  
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

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 96 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 14th day of May, 2012.

*/s/ Leonard A. Davis* \_\_\_\_\_

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

<b>IN RE: PROPULSID</b>	:	<b>MDL NO. 1335</b>
<b>PRODUCTS LIABILITY LITIGATION</b>	:	<b>SECTION: L</b>
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	:	<b>JUDGE FALLON</b>
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<b>ALL CASES</b>	:	
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**Monthly Status Conference  
May 17, 2012  
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. Motions to Dismiss