



**II. Distribution of MDL Settlement Funds**

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. Now that the MDL Resolution Program II has been terminated and pursuant to the Court's Order dated October 3, 2012 [Rec. Doc. 4590], the Defendants have requested the Special Master promptly return to Johnson & Johnson and Janssen Pharmaceuticals, Inc. the remaining balances in the Settlement and Administrative Funds for MDL II. Once MDL Resolution Program I is terminated and in compliance with the November 25, 2009 Order [Rec. Doc. 4013] , the parties shall request a return to the Defendants of the remaining balances in the Settlement and Administrative Funds for MDL I.

**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]. On August 1, 2012, Plaintiffs' Liaison Counsel, Russ M. Herman, filed a Motion for Distribution of Attorney's Fees (Re: MDL Settlement Program II) [Rec. Doc. 4540]. A hearing on the motion was conducted

on August 22, 2012, and the Court issued an Order on August 22, 2012 granting the motion [Rec. Doc. 4556].

**IV. Motions to Dismiss**

Defendants continue to file Motions to Dismiss and Stipulations of Dismissals, and thousands of plaintiffs have been dismissed and/or terminated from the Court's docket over the last several months. The Defendants' motions cover 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. Approximately nine (9) plaintiffs remain on the Court's docket and are awaiting processing from the Special Master and/or Curator so that additional motions to dismiss may be filed and the MDL Resolution Program I may be terminated. 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 October 11, 2012 Status Conference.

Respectfully submitted,

*s/ Brian P. Quirk*

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**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 98 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 9<sup>th</sup> day of October, 2012.

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

