UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

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

JOINT REPORT NO. 98 OF PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 98 in preparation of the October 11, 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 Program I is nearing an end, and MDL Resolution Program II is complete and was terminated by Order of the Court on October 3, 2012 [Rec. Doc. 4590]. In the Court's Order, all claims, plaintiffs, enrollees, and cases in MDL Resolution Program II were terminated and dismissed with prejudice. As to MDL I, the Special Master's Office is finalizing the clearance of the remaining administrative claims. Once the Special Master is finished clearing these claims, the Defendants shall file a Motion to Terminate the claims of all enrollees in the MDL Resolution Program I as was done in MDL Resolution Program II.

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

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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 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, 20th 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

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 JAMES DUGAN 365 Canal Street Suite 1000 New Orleans, LA 70130 Phone: (504) 648-0180 Fax: (504) 648-0181

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

CHARLES S. ZIMMERMAN 651 Nicollet Mall Suite 501 Minneapolis, MN 55402 Phone: (612) 341-0400 Fax: (612) 341-0844 BOB F. WRIGHT 556 Jefferson Street, Suite 500 Lafayette, LA 70502-3668 Phone: (337) 233-3033 Fax: (337) 232-8213

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 9th day of October, 2012.

/s/ Leonard A. Davis

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Monthly Status Conference October 11, 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