

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

IN RE: PROPULSID PRODUCTS : **MDL NO. 1355**
LIABILITY LITIGATION :
: **SECTION: L**
THIS DOCUMENT RELATES TO :
(All Plaintiffs, Enrollees, and Cases :
in the First MDL Resolution Program) : **JUDGE FALLON**

**DEFENDANTS' MOTION FOR AN ORDER TO TERMINATE
THE CLAIMS OF ALL ENROLLEES IN THE FIRST MDL PROGRAM
AND TO AUTHORIZE RETURN TO THE DEFENDANTS THE BALANCE
OF THE SETTLEMENT FUND AND ADMINISTRATIVE FUND**

Defendants, Johnson & Johnson and Janssen Pharmaceuticals, Inc. (Defendants), move this Court for entry of an order that both terminates the claims of all individuals who enrolled in the First MDL Resolution Program, as the Program is complete and the claim of every enrollee has been processed,¹ and that returns to the Defendants the balance of the Settlement Fund and Administrative Fund. A similar motion to terminate the claims of the enrollees in the Second MDL Resolution Program was recently filed by the Defendants and granted by Order of the Court. [See Rec. Doc. Nos. 4577 and 4590]. In support of the current Motion, Defendants submit the attached Memorandum in Support of Defendants' Motion for an Order to Terminate the Claims of All Enrollees in the First MDL Program and to Authorize Return to the Defendants the Balance of the Settlement Fund and Administrative Fund.

¹ There is one claim that has been processed by the Special Master who is awaiting payment information from claimant's counsel. More than adequate funds shall remain in the Settlement and Administrative Funds to pay any award and expenses for same.

WHEREFORE, Defendants, Janssen Pharmaceuticals, Inc. and Johnson & Johnson, respectfully request that this Court issue an Order terminating the First MDL Resolution Program and dismissing with prejudice the claims and cases of all the plaintiffs and enrollees therein, including all of the plaintiffs and claimants listed on Exhibit D to the Quirk Affidavit, and further authorizing the return of balances of the Settlement and Administrative Funds to the Defendants.

Respectfully Submitted:

s/Brian P. Quirk

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Defendants' Motion for an Order to Terminate the Claims of All Enrollees in the First MDL Resolution Program and to Authorize Return to the Defendants the Balance of the Settlement Fund and Administrative Fund, has been served upon all parties by electronically uploading the same to LexisNexis File & Serve, by U.S. mail, certified, return receipt requested to the counsel of record for plaintiffs and claimants, as listed on Exhibit D to the Quirk Affidavit (which will be uploaded to the Court's website, <http://propulsid.laed.uscourts.gov/>), 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 27th day of November, 2012. This Motion will also be uploaded to the Court's website at <http://propulsid.laed.uscourts.gov/>.

s/Brian P. Quirk

BRIAN P. QUIRK