

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

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

**JOINT REPORT NO. 94 OF PLAINTIFFS'
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 94 in preparation of the January 5, 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.

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. 29 of those requests have been granted and submitted to the Medical Panel for a second review. The balance has 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. 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

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

IV. Motions to Dismiss

Since the last Joint Report, Defendants have filed numerous Motions to Dismiss and Stipulations of Dismissals, covering 695 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. Additional Stipulations of Dismissal have been prepared by the Defendants covering approximately 612 plaintiffs. These additional stipulations are being reviewed by the Special Master and individual plaintiffs' counsel and should be filed shortly. Once these additional stipulations are filed, only a few hundred 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 January 5, 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. 94 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 3rd day of January, 2012.

/s/Leonard A. Davis

