



become due in thirty days.

DLC has agreed to PLC's request that motions to dismiss for failure to provide a PPF be halted during the period in which claimants may opt in to the MDL 1355 settlement.

**IV. Service List of Attorneys**

The parties will present the Court with the most current Master List of all Counsel, which will contain, where available, e-mail addresses.

**V. Motion on Class Certification.**

The PLC has not yet filed the revised Motion for Class Certification. The parties will be prepared to discuss this further at the June 25, 2004 Monthly Status.

**VI. Plaintiffs' and Defendants' Respective Requests for Production of Documents**

On May 20, 2004, the parties submitted the group of documents that were subject to PLC's 803(6) challenge, along with each parties' comments as to the same, to the Court. On May 28, 2004, the Court issued its ruling and concluded that whether or not the documents are admissible as business records is properly determined by the trial court, not the MDL transferee court, thus the Court declined to rule on the documents. This issue may be removed from the Joint Report.

On May 3, 2004, the parties submitted a Joint Motion for the Entry of Pre-Trial Order No. 20, which provides for the use of electronic data preserved by Janssen Pharmaceutica's sales force. On May 10, 2004, the Court entered such Order. This issue may be removed from the Joint Report.

**VII. Trust Account**

Since last month's Status Conference, on May 18, 2004 and May 24, 2004, Defendants made deposits of settlement funds into the Court's Registry.

**VIII. Mediation**

No additional mediations have taken place since the last month's Status Conference. The parties will be prepared to discuss this further at the June 25, 2004 Monthly Status Conference.

**IX. Trial Schedule**

On June 10, 2004 DLC furnished PLC with an updated list of state court trials scheduled this year.

**X. Pharmacy Indemnity Agreements**

DLC continues to produce copies of all MDL pharmacy indemnity agreements which Defendants have executed to PLC. DLC will continue to furnish such agreements, if any, as they are executed.

**XI. MDL Mediation and Resolution Program**

The parties are finalizing the Claims Form and Enrollment Forms to be uploaded to the Court's website and anticipate they will have them finalized by the June 25, 2004 Monthly Status Conference. The parties have selected Deutsche Bank to hold the money from the Settlement and Administrative Funds. The parties have obtained several quotes for office space and are communicating regarding the lease of such space. The parties have conducted several interviews, and more are scheduled, for the Administrator position who will assist Special Master, Pat Juneau, in administering the Program.

In addition, the parties have identified the list of proposed medical panel members. Defendants have objected to one of the PSC's nominees. The PSC is reviewing Defendants' list and will advise Defendants of any objection.

The parties will be prepared to discuss these issues further at the June 25, 2004 Monthly Status Conference.

**XII. Global Application of Daubert**

The parties have had no further discussions regarding this matter and the matter is on hold pending the outcome of the MDL's Settlement Program.

**XIII. Motions to Withdraw as Counsel of Record**

The parties are in receipt of a Motion to Withdraw as Counsel of Record, filed by plaintiff's counsel, Carl McAfee, in the matter of *Thelma Johnson v. Johnson & Johnson, et al*, #00-3495. PLC has no position on such Motions. As with other Motions to Withdraw, Defendants request that the Court reserve its ruling on such Motion pending the outcome of the MDL's Settlement Program.

**XIV. Stipulation and Pre-Trial Order Providing for the Use at Trial of Depositions in State or Federal Courts**

The parties have discussed and exchanged comments regarding a Stipulation concerning the use of depositions in MDL matters. The parties will be prepared to discuss this further at the June 25, 2004 Monthly Status Conference.

**XV. CIS NED-32 Deposition**

The 30(B)(6) deposition regarding the final version of CIS NED-32 has been canceled, without prejudice, to be rescheduled at a later date.

**XVI. Motion for Summary Judgment**

PLC has delayed the filing with the court of a Motion for Summary Judgment regarding Johnson & Johnson's liability. The parties will be prepared to discuss this further at the June 25, 2004 Monthly Status Conference.

**XVII. Motion to Dismiss for Failure to Exhaust Administrative Claims and Notice and Order to Substitute the United States as a Defendant - (Linda Hales, et al v. Johnson & Johnson, et al, #03-2419)**

The Court ordered the U.S. to be substituted as a defendant and the Court granted the Motion

to Dismiss. This matter may be removed from the Agenda.

**XVIII. Stipulation and Order Appointing Patrick Juneau as Special Master in Compliance with Rule 53**

The parties are finalizing the Stipulation and Order providing for the appointment of Special Master, Patrick Juneau, in compliance with Federal Rule of Civil Procedure 53. On June 22, 2004, PLC forwarded to DLC comments regarding the proposed Stipulation and Order. PLC is awaiting a response. The parties will present the Stipulation and Order to the Court at the June 25, 2004 Monthly Status Conference.

**NEW ITEMS**

**XIX. Walgreen Louisiana Company, Inc.'s Motion for Summary Judgment (*Janet Beo v. Stephanie Newport, et al*, #01-0600)**

On May 5, 2004, Walgreen Louisiana Company, Inc. filed a Motion for Summary Judgment against Janssen Pharmaceutica Inc., Johnson & Johnson and Middlesex Assurance Company, Ltd. and claimed that it was entitled to an unqualified indemnity and a defense by Defendants. PLC has no position on this Motion. Defendants request that the Court reserve its ruling on such Motion pending the outcome of the MDL's Settlement Program.

If the Court chooses to hear the Motion, Defendants request that the Court re-set the hearing until next month's Status Conference so that Defendants may prepare their opposition.

The parties will be prepared to discuss this at the June 25, 2004 Monthly Status Conference.

**XX. Motions for Summary Judgment as to Doctor Defendants, Stephen A. Tramill, M.D., and Paul Varela, M.D. (*Robert R. Boykin v. Johnson & Johnson*, #03-2541; *Faye Aldridge v. Johnson & Johnson*, #03-3501)**

Doctor defendants, Stephen A. Tramill, M.D. and Paul Varela, M.D., filed Motions for Summary Judgment in the aforementioned cases as to their liability. PLC has no position on these Motions. Defendants request that the Court reserve its ruling on such Motions pending the outcome

of the MDL's Settlement Program.

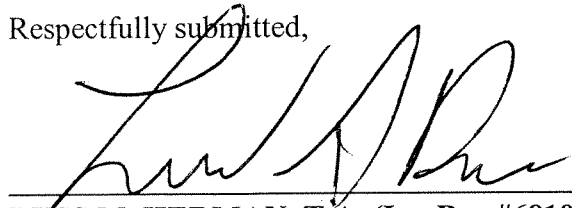
If the Court chooses to hear the Motions, Defendants request that the Court re-set the hearing until next month's Status Conference so that Defendants may respond. The parties will be prepared to discuss this at the June 25, 2004 Monthly Status Conference.

**XXI. Pre-Trial Order listing MDL Plaintiffs**

DLC has submitted a draft Motion and Order to PLC that will identify the list of individuals whose cases are pending in the MDL for purposes of the MDL Mediation and Resolution Program. PLC and DLC are communicating regarding this issue. The parties will be prepared to discuss the matter further at the June 25, 2004 Monthly Status Conference.

A proposed Agenda for the June 25, 2004 Monthly Status Conference is attached.

Respectfully submitted,



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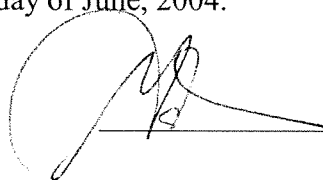
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Joint Report No. 31 of Plaintiffs' and Defendants' Liaison Counsel was served on Plaintiffs' Liaison Counsel by hand and e-mail and by e-service to all parties by uploading same to Verilaw, on this 23<sup>rd</sup> day of June, 2004.



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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: PROPULSID : MDL NO. 1335  
PRODUCTS LIABILITY LITIGATION : SECTION: L  
 : JUDGE FALLON  
 : MAG. WELLS ROBY  
THIS DOCUMENT RELATES TO :  
ALL CASES :  
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Monthly Status Conference  
June 25, 2004 - 9:00 a.m.

AGENDA

Current Matters:

1. Update of Rolling Document Production and Electronic Document Production
2. State Liaison Counsel
3. Patient Profile Form and Authorization
4. Service List of Attorneys
5. Motion on Class Certification
6. Plaintiffs' and Defendants' Respective Requests for Production of Documents
7. Trust Account
8. Mediation
9. Trial Schedule
10. Pharmacy Indemnity Agreements
11. MDL Mediation and Resolution Program

12. Global Application of Daubert
13. Motions to Withdraw as Counsel of Record
14. Stipulation and Pre-Trial Order Providing for the Use at Trial of Depositions in State or Federal Courts
15. CIS NED-32 Deposition
16. Motion for Summary Judgment
17. Motion to Dismiss for Failure to Exhaust Administrative Claims and Notice and Order to Substitute the United States as a Defendant - (*Linda Hales, et al v. Johnson & Johnson, et al*, #03-2419)
18. Stipulation and Order Appointment Patrick Juneau as Special Master in Compliance with Rule 53
19. Walgreen's Motion for Summary Judgment
20. Aldridge and Cooley Motions for Summary Judgment as to Doctor Defendants
21. Pre-Trial Order Listing MDL Plaintiffs