

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

IN RE: PROPULSID PRODUCTS : **MDL NO. 1355**
LIABILITY LITIGATION :
 :
THIS DOCUMENT RELATES TO : **SECTION: L**
ALL CASES : **JUDGE FALLON**

**DEFENDANTS' MOTION FOR AN ORDER DISMISSING WITH
PREJUDICE THE CLAIMS OF PLAINTIFFS WHOSE CLAIMS
HAVE BEEN PROCESSED IN THE MDL RESOLUTION PROGRAMS**

Defendants, Johnson & Johnson and Janssen Pharmaceuticals, Inc.¹ move this Court for entry of an order dismissing with prejudice the claims of plaintiffs whose claims have been processed and finalized in the First and Second MDL Resolution Programs (“the Program(s)”), and in support of their Motion, state as follows:

1. The Programs’ Term Sheets, Sections 5C and 16B, state that in the event the Programs’ Medical Panels find that a plaintiff is not entitled to payment under the Program, a \$250 payment to defray costs paid for the medical records or assembly of same by the attorney for the plaintiff shall be paid from the administrative fund. The Term Sheets to the First and Second MDL Resolution Programs are attached as Exhibits A and B, respectively, to the Affidavit of Patrick A. Juneau, Esq., Court-Appointed Special Master for the Programs (“Juneau Affidavit”). The Juneau Affidavit is filed concurrently with Defendants’ Motion.

2. Attached as Exhibit C to the Juneau Affidavit is a list of plaintiffs who

¹ Janssen Pharmaceuticals, Inc. is the successor in interest to Janssen, LP.

enrolled in the First and Second MDL Resolution Programs whose counsel received a \$250 payment from the Programs' Administrative Fund to defray costs paid for the medical record assembly for each plaintiff, in accordance with Sections 5C and 16B of the Term Sheets for the Programs. The claims of these plaintiffs have been processed and finalized, and the Special Master's Office has issued payment to their counsel to defray the cost of medical records collection, as set forth the Programs' Terms Sheets. Their claims are therefore subject to dismissal under Section 4B of the Programs' Term Sheets.

WHEREFORE, the Defendants respectfully request that this Court issue an order dismissing with prejudice the claims of the plaintiffs listed on Exhibit C to the Juneau Affidavit.

Respectfully Submitted By:

/s/ Brian P. Quirk

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Defendants' Motion for an Order Dismissing With Prejudice the Claims of Plaintiffs Whose Claims Have Been Processed in the MDL Resolution Program 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 for plaintiffs identified on Exhibit C , 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 29th day of December, 2011. This Motion will also be uploaded to the Court's website at <http://propulsid.laed.uscourts.gov/>.

/s/ Brian P. Quirk _____