

production by domestic and Beerse employees, except that certain database and spreadsheet files that are not print-compatible will be identified and produced in their native application as appropriate. DLC advises it is now performing searches against non-segregated e-mails and attachments, both domestic and foreign, using terms previously agreed to with PLC. DLC advises that they should be able to estimate as to when production of additional e-mails and attachments might be completed once the searches are completed and analyzed by the end of next week. DLC further advises that within a week of the Status Conference they will be able to produce the international CIMS database, which pertains to studies and is similar to the domestic CIMS database produced earlier. PLC has advised DLC of issues involving formatting, data-dump process and other issues that have been observed in the most recent document production. The Parties will have discussed this prior to the Status Conference.

The parties are continuing discussions regarding a nominee for Special Master as required by Section H(3) of PTO 10.

II. State Liaison Counsel - (Minute Entry, November 16, 2000)

PLC has actively participated in scheduling matters of depositions in the MDL in state court litigations. The State Liaison Counsel Committee will report to the court regarding the efforts of the Committee at the August 23, 2002, monthly status conference.

III. Patient Profile Form and Authorization

As of August 20, 2002, Defendants have received 1,420 Patient Profile Forms (PPFs). 52 are currently overdue, and 78 PPFs will become due within thirty (30) days. PLC and DLC continue to communicate directly with plaintiff counsel whose PPFs are overdue. DLC and PLC will work together to contact counsel for plaintiffs whose PPFs are overdue to obtain the delinquent documents.

DLC has filed a Motion to Dismiss with Prejudice as to a number of plaintiffs. Counsel for several plaintiffs have submitted PPFs and requested that DLC dismiss the particular claimants from the Motion to Dismiss. PLC has communicated with DLC regarding a number of claimants who have provided PPF's and are subject to the Motion. The parties will be prepared to discuss this at the August 23, 2002, monthly status conference.

IV. Subpoena to FDA

PLC has reviewed the production from the FDA. On August 5, 2002, PLC wrote counsel for the FDA and provided a list of documents that were unaccounted for in the FDA production. This included bates numbers FDA 06265-FDA 06268; FDA 09246; FDA 09384-FDA 09385; FDA 24212-FDA 24225; FDA 24287-FDA 24311; and FDA 26796. On August 12, 2002, additional documents were produced by the FDA to defense counsel. PLC has not seen what was produced and is awaiting receipt of the documents and a certification from the FDA that all unaccounted documents have either been produced or were intentionally not produced by the FDA. The parties will be prepared to discuss this at the August 23, 2002, Monthly Status Conference.

V. 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.

VI. Ongoing Studies/Subpoena to BevGlen

PLC filed an Expedited Motion to Remove Confidential Designation from certain documents produced by the defendants. The matter is under advisement and pending with the court.

VII. Third Party Subpoena Duces Tecum Issued by PSC

PLC has been in direct contact with Mark Ginsky of Covance regarding the remaining

documents and/or information the PLC has requested under subpoena. By letter dated July 10, 2002 PSC requested information that Covance had not produced in its original and supplemental production that PSC first learned about the telephone conversation with Mark Ginsky on July 9, 2002. Further, in the July 10, 2002 letter, PLC requested that Covance respond to certain questions in addition to providing certifications as to the document production. Covance provided, through DLC, additional information responsive to the subpoena in early August 2002. On August 20, 2002, Mr. Ginsky further communicated with PLC. PLC is awaiting receipt of further information and the certification from Covance. It is anticipated that this information will be received very soon.

On June 24, 2002, PLC issued a Subpoena Duces Tecum to Dr. Thomas L. Abell. Counsel for Dr. Abell communicated with PLC on July 12, 2002 and advised that Dr. Abell was having difficulty in producing the documents because his possessions were scattered as a result of a truck collision while transporting his documents and that the documents were interspersed with other personal materials. PLC communicated with Counsel for Dr. Abell on July 18 to obtain additional information and requested an affidavit from Dr. Abell. On August 21, 2002, PLC again requested information from Dr. Abell.

On June 28, 2002, PLC issued a Subpoena Duces Tecum to Dr. Jerry Herron. Defendants are in the process of obtaining these documents and providing them to PLC.

On June 28, 2002, PLC issued a Subpoena Duces Tecum to SmithKline Beecham Clinical Laboratories. The defendants obtained the information produced by SmithKline/Quest responsive to the subpoena and provided the information to PLC on August 16, 2002. PLC is awaiting a certification that the production is complete.

PLC will advise the court as to the status of third party subpoena duces tecums as issues arise in the course of discovering information.

VIII. Motion on Class Certification.

PLC and DLC have agreed that a hearing on class certification will not be scheduled until after all electronic data is received by the PSC and the PSC has an opportunity to review such data. The parties will be prepared to discuss this further at the August 23, 2002, Monthly Status Conference.

IX. Plaintiffs' and Defendants' Respective Requests for Production of Documents

Plaintiffs served on Defendants Interrogatories and Request for Production of Documents, Set No. 5. on February 14, 2002. PLC received a response on August 20, 2002, and is reviewing the responses.

PLC and DLC have met regarding production of studies prepared or performed by defendants. PLC has requested in addition to information regarding CIS-NED-32, information regarding assessments issued by the CPMP and the FDA regarding CIS-NED-32. PLC is awaiting receipt of this information.

PLC has filed with the court a Motion to Compel regarding Norcisapride. The Motion to Compel was set for hearing on August 23, 2002; however, the parties have agreed to continue the hearing pending additional discovery to be taken.

X. Deposition Procedure

The parties presented a Motion to Supplement Pre-Trial Order No. 7. This item may be removed from the agenda.

XI. Shell/Morganroth Study

On October 19, 2001 Defendants served a subpoena on Dr. William Shell, individually and

through his Foundation, for documents relating to the Shell Study. DLC contended there are additional EKG interpretations performed by Drs. Morganroth and Vincent which Dr. Shell used in authoring the study. PLC performed additional investigation and advised DLC on July 30, 2002, that it obtained information from the Shell/Morganroth file and delivered the information to DLC. The parties will be prepared to discuss this at the August 23, 2002, Monthly Status Conference.

XII. 30(b)(6) Deposition of Defendants Regarding Studies

Defendants advised PLC they are obtaining a third-party to accurately and reliably create a database to validate the 30(b)(6) testimony. Defendants have forwarded an outline of the database to PLC for input. The parties have discussed the database and are awaiting its production. The parties will be prepared to discuss this at the August 23, 2002, Monthly Status Conference.

XIII. Trust Account

The parties have met with representatives of the Whitney Bank regarding the establishment of a trust account. PLC and DLC have discussed maintenance of records, associated costs and the results of discussions by defendants with the Whitney National Bank. The parties will be prepared to discuss this at the August 23, 2002, Monthly Status Conference.

XIV. Declassified documents

The parties filed with the court a Joint Motion of Plaintiffs' and Defendants' Liaison Counsel to Declassify Confidentiality of Material regarding class certification exhibits. The Order was signed by the court. Additional requests to declassify documents have and will be made by PLC. The parties will be prepared to discuss this at the August 23, 2002, Monthly Status Conference.

XV. Motion to Withdraw as Counsel of Record - Anthony Scott, #01-1394

Plaintiff's counsel filed a Motion to Withdraw as Counsel of Record in this matter. Plaintiff

submitted a PPF on August 2, 2002. Counsel for Plaintiffs still desires to withdraw and is aware of the Court's Order of August 9, 2002.

XVI. Mediator Status

Patrick A. Juneau has agreed to serve as a mediator to assist in settlement negotiations. The parties have met and conferred regarding the joint motion and order appointing Mr. Juneau and the Order will be presented to the Court at the Status Conference. The parties are in contact with Mr. Juneau to arrange a meeting date for an initial session in mid to late September 2002. The parties will be prepared to discuss this further at the August 23, 2002, Monthly Status Conference.

NEW ITEMS

XVII. Trial Schedule

DLC and PLC has reviewed and discussed with the Court the list of cases originating in the Eastern District of Louisiana and those ready for trial. PLC has communicated with counsel for claimants whose cases originated in the Eastern District of Louisiana. A Status Conference regarding the trial schedule was held on Monday, August 19, 2002. A Minute Entry was entered on August 20, 2002 scheduling the case of Diez, Sr., Richard Joseph, #00-2577, for trial on January 6-10, 2003 and the case of Reed, Samantha Reed, #00-282, for trial on January 13-17, 2003. The Court also ordered that the PSC identify a third candidate no later than Friday, August 23, 2003 to be tried the week of January 21-24, 2003. The Minute Entry also established the a pre-trial conference and cut-off dates. The parties will be prepared to discuss this further at the August 23, 2002, Monthly Status Conference.

XVIII. Trials Scheduled Throughout the Country

On August 19, 2002, defendants provided to PLC a list of trials scheduled throughout the United States in various Propulsid matters. DLC has agreed to provide regular updates to PLC of all trial settings involving Propulsid matters.

XIX. Insurance Indemnity Agreements

On July 26, 2002, PLC and DLC jointly delivered to the Court a letter regarding the production of insurance indemnity agreements. The matter is under advisement with the Court and the parties are awaiting an Order.

XX. Use of Plaintiff's Expert Reports

On August 5, 2002, DLC requested that the PLC agree to allow the use of plaintiff's experts, Drs. Morgan Roth, Eckberg, and Wahn reports, under certain limited circumstances even though these reports are deemed confidential pursuant to Pre-Trial Order No. 5. DLC provided suggested language for an Order regarding these reports to PLC. PLC has communicated with DLC. The parties will be prepared to discuss this at the August 23, 2002, Monthly Status Conference.

XXI. Agenda

A proposed Agenda for the August 23, 2002, Monthly Status Conference is attached.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 17 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 ____ day of August, 2002.

9. Plaintiffs' and Defendants' Respective Requests for Production of Documents
10. Deposition Procedure
11. Shell/Morganroth Study
12. 30(b)(6) Deposition of Defendants Regarding Studies
13. Trust Account
14. Declassified Documents
15. Motion to Withdraw as Counsel of Record
16. Mediator Status

New Items:

17. Trial Schedule
18. Trials Scheduled Throughout the Country
19. Insurance Indemnity Agreements
20. Use of Plaintiff's Expert Reports
21. Agenda