

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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U.S. DISTRICT COURT
EAST DISTRICT OF LA

2004 MAR -8 PM 1:53
LORETTA G. WHYTE
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IN RE: **PROPULSID** : **MDL NO. 1355**
 PRODUCTS LIABILITY LITIGATION :
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THIS DOCUMENT RELATES TO ALL CASES : **JUDGE FALLON**
 :
 : **MAG. WELLS ROBY**
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**JOINT REPORT NO. 29 OF
PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Report No. 29.

I. Update of Rolling Document Production and Electronic Document Production

DLC has advised that there is no further scheduled document production. PLC continues to discuss this with the Plaintiffs' Discovery Team and will be discussing this further with DLC.

The parties advise that they will be discussing a Stipulation concerning the suspension of electronic preservation as required by Pre-Trial Order No. 10.

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

The State Liaison Committee will report to the Court regarding the efforts of the Committee at the March 11, 2004 monthly status conference.

III. Patient Profile Form and Authorization

As of March 4, 2004 defendants have received 3115 PPF's, 739 are overdue, and 56 will become due in thirty days.

PLC has received requests from plaintiffs' counsel 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. This request has been made by PLC to DLC. The parties will be prepared to discuss this further at the March 11, 2004 Monthly Status.

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 March 11, 2004 Monthly Status.

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

DLC and PLC have collected and organized into binders all documents which are subject to PLC's 803(6) challenge. Both sides have prepared comments as to why each document does not qualify as a business record under 803(6). PLC and DLC will exchange this information and meet and confer to discuss same. The parties will be prepared to discuss this further at the March 11, 2004 Monthly Status Conference.

On February 17, 2003, PLC served upon DLC a Motion to Compel Production of Documents of Sales Force. The parties have agreed that the production of electronic materials regarding the sales representative information should be addressed in a remand order, which would preserve this issue for the transferor court on an as-needed, case specific basis. DLC forwarded a draft of the Pre-Trial Order providing for the use of electronic data preserved by Janssen Pharmaceutica sales force on December 15, 2003. PLC is reviewing the draft. DLC is awaiting their response. The parties will be prepared to discuss this further at the March 11, 2004 Monthly Status Conference.

VII. Trust Account

Defendants made deposits of additional settlement funds into the Court's Registry on January 27, 2004 and February 11, 2004 since last month's Status Conference.

VIII. Declassified Documents

The parties have nothing new to report since last month's Status Conference.

IX. 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 March 11, 2004 Monthly Status Conference.

X. Trial Schedule

On March 1, 2004 DLC furnished a complete list to PLC of all state court trials scheduled this year.

XI. 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.

XII. End Game Planning Committee

On February 4, 2004, the parties announced that they had reached an agreement in principle to resolve all federal lawsuits related to Propulsid. On February 5, 2004, the Court entered a Consent Order as to this agreement. PLC and DLC have meetings scheduled prior to the March 11, 2004 status conference to further address various issues regarding the settlement agreement including, amongst other things, the enrollment agreement, the Term Sheet, and issues related thereto. The parties will be prepared to discuss this further at the March 11, 2004 Monthly Status Conference.

XIII. 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.

XIV. Motions to Withdraw as Counsel of Record

The parties have nothing further to report regarding this matter and the matter is on hold pending the outcome of the MDL's Settlement Program.

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

PLC and DLC have been communicating regarding the preparation of a stipulation for the use of depositions in MDL matters. DLC submitted a draft Pre-Trial Order to PLC. DLC is awaiting PLC's response.

XVI. CIS NED-32 Deposition

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

XVII. Motion for Summary Judgment

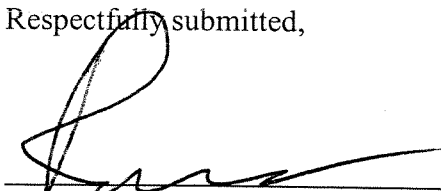
PLC will be filing with the court a Motion for Summary Judgment regarding Johnson & Johnson's liability. The parties will be prepared to discuss this further at the March 11, 2004 Monthly Status Conference.

XVIII. Bailey Motion

PLC and DLC have no position on this Motion. The parties will be prepared to discuss the matter at the March 11, 2004 Monthly Status Conference.

A proposed Agenda for the March 11, 2004 Monthly Status Conference is attached.

Respectfully submitted,



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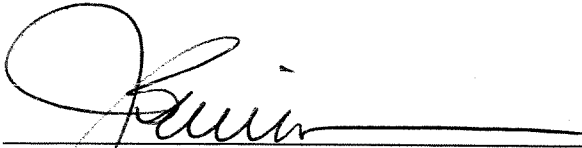
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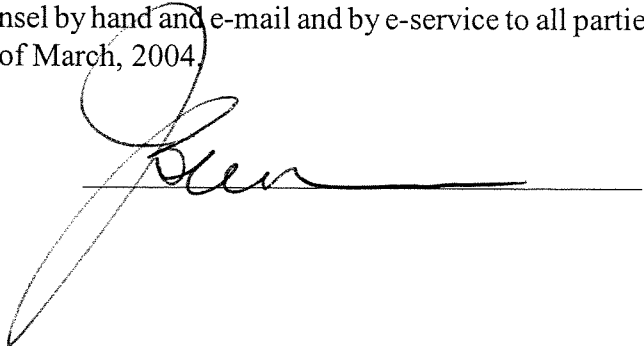
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 29 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 9th day of March, 2004.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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PRODUCTS LIABILITY LITIGATION	:	SECTION: L
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	:	JUDGE FALLON
THIS DOCUMENT RELATES TO	:	MAG. WELLS ROBY
ALL CASES	:	
	:	
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Monthly Status Conference
March 11, 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. Declassified Documents
9. Mediation
10. Trial Schedule
11. Pharmacy Indemnity Agreements

12. End Game Planning Committee
13. Global Application of Daubert
14. Motions to Withdraw as Counsel of Record
15. Stipulation and Pre-Trial Order Providing for the Use at Trial of Depositions in State or Federal Courts
16. CIS NED-32 Deposition
17. Motion for Summary Judgment
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