



**III. Patient Profile Form and Authorization**

As of November 12, 2004, defendants have received 3096 PPFs, 880 are overdue, and 1470 will 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 filing has been deferred.

**VI. Trust Account**

Since last month's Status Conference, on November 8, 2004 and additional deposit of settlement funds was made into the Court's Registry.

**VII. Mediation**

No additional mediations have taken place since the last month's Status Conference. This item can be removed from further reports.

**VIII. Trial Schedule**

There have been no changes to the trial schedule since last month's Status Conference. DLC will continue to update PLC if and when the schedule is revised.

**IX. Pharmacy Indemnity Agreements**

There have been no pharmacy indemnity agreements executed by defendants since the last Status Conference. DLC will continue to furnish copies of all MDL pharmacy indemnity agreements if and when they are executed.

**X. MDL Mediation and Resolution Program**

The enrollment process has proceeded since the last Monthly Status Conference. The enrollment date of October 29, 2004 was the deadline for plaintiffs and claimants to enroll. Approximately 25,000 plaintiffs and claimants served enrollment forms by this deadline. The defendants, the PLC and the Special Master are presently in the process of reviewing the enrollment forms to confirm eligibility, absence of duplicative enrollments and compliance with Term Sheet enrollment guidelines. The PLC and defendants are also discussing a number of issues that have arisen during the course of the enrollment process, such as pro se plaintiffs, plaintiffs/claimants whose location is now unknown and plaintiffs/claimants who desire to participate in the MDL Program but may not qualify under the Term Sheet. The parties are targeting the resolution of these issues and completion of the enrollment eligibility and confirmation of the numbers of enrollees in the categories defined in the Term Sheet by the time of the next scheduled status conference, so that the claims process can begin.

Since the last status conference, the parties have had meetings and telephone conferences with the Special Master, Deutsche Bank and the Claims Disbursing Agent to discuss the administration of the Resolution Program. Issues are being addressed on an ongoing basis. The

Special Master's office is open and operational. Further, Janssen has partially funded the Administrative Fund of the Settlement Program to pay certain expenses.

The parties have submitted to the court a Stipulated Order to appoint as the disbursing agent, Danny Clavier. Additionally, the parties will be presenting a Motion and Order to the court so that the settlement funds in the Program will be administered as a Qualified Settlement Fund (QSF).

The parties will be prepared to discuss these issues further at the November 19, 2004 Monthly Status Conference.

**XI. 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.

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

The parties have filed with the court a Stipulation concerning the use of depositions in MDL matters. The parties will be prepared to discuss this further at the November 19, 2004 Monthly Status Conference.

**XIII. Motion for Summary Judgment**

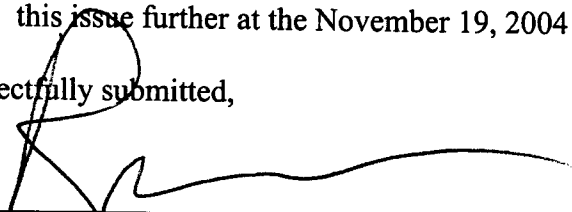
PLC has delayed the filing with the court of a Motion for Summary Judgment regarding Johnson & Johnson's liability. The parties will be prepared to discuss this further at the November 19, 2004 Monthly Status Conference.

NEW ITEMS

**XIV. Pro se Plaintiffs**

Recently, several plaintiffs' counsel have filed Motions and Orders withdrawing as counsel of record for the reasons that their client(s) cannot be located and/or their client(s) have chosen to opt out of the Settlement Program. These plaintiffs now appear pro se. Additionally, the claimants previously represented by Michael L. King who have not retained counsel have also become pro se plaintiffs. Defendants have updated their service list to reflect this change in representation. The parties will be prepared to discuss this issue further at the November 19, 2004 Status Conference.

Respectfully submitted,



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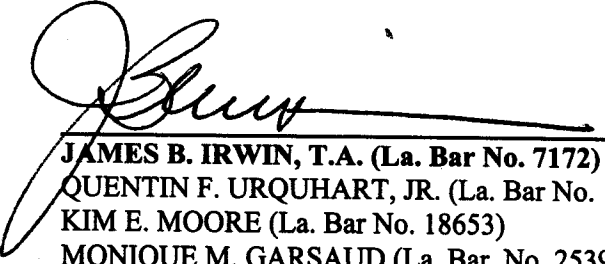
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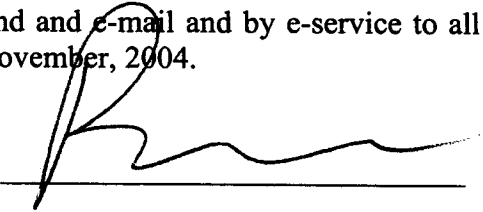
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Joint Report No. 35 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 16<sup>th</sup> day of November, 2004.



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  
November 19, 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. Trust Account
7. Mediation
8. Trial Schedule
9. Pharmacy Indemnity Agreements



10. MDL Mediation & Resolution Program
11. Global Application of Daubert
12. Stipulation and Pre-Trial Order Providing for the Use at Trial of Depositions in State or Federal Courts
13. Motion For Summary Judgment
14. Pro Se Plaintiffs