

Paper before the Monthly Status Conference. The parties will be prepared to discuss their respective positions at the May Monthly Status Conference.

III. Update of Rolling Document Production and Electronic Document Production - (PTO 2 - IX)

DLC advises that the next production of documents will be rolled out the week of May 14, 2001, with the delivery of approximately 700,000 pages on CD-ROM. The documents to be produced at this time primarily include materials from the following departments: (1) Operations; (2) Research Foundations; (3) Global Clinical R&D; (4) Global Site Management; (5) Pharmacology; (6) J&J State Government Affairs; (7) Regulatory Affairs; and (8) Medical Services. With this production, the total number of pages produced on CD-ROM so far will be approximately 2.2 million.

With respect to electronic preservation and production and Pretrial Order No. 10, attachments A and B were inadvertently not included with Pretrial Order No. 10, and the parties will file the appropriate motion to provide for the attachments of A and B. Continued discussions concerning production of electronic data and allocation of associated costs are taking place. In the meantime, the parties are also discussing a nominee for Special Master as required by Section H(3) of PTO 10.

IV. Electronic Service/Verilaw - (PTO 2-IV(C)(C))

Verilaw has raised a question concerning the security of documents filed under seal that are uploaded to Verilaw and served electronically. PLC and DLC are discussing this issue with representatives of Verilaw and will report to the Court at the Monthly Status Conference concerning what additional measures, if any, are necessary to provide appropriate security for documents filed under seal or otherwise subject to the provisions of the Confidentiality Order that are uploaded to Verilaw and served

electronically.

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

State Liaison Counsel have participated in coordination telephone calls, depositions and document review. PLC and DLC will be prepared to report further about these contributions at the Monthly Status Conference, and representatives of the State Liaison Committee will be on hand to contribute to the Monthly Status Conference as appropriate.

VI. 30(b)(6) Deposition Regarding Corporation Organization

A 30(b)(6) deposition of the Beerse operation will take place in Belgium on June 5, 2001. Derk Reyn will be designated as the corporate representative to respond to the notice. The parties stipulate that there is no need to issue a subpoena or otherwise conduct discovery pursuant to the Hague Convention and that the deposition will be conducted in Belgium as if it were taken in the United States at a mutually agreeable time and place.

VII. Patient Profile Form and Authorization

As of Friday, May 11, 2001, defendants have received 202 Patient Profile Forms (PPFs). One hundred ninety-four (194) are currently overdue and 35 PPFs will become due within thirty (30) days. Each Friday DLC delivers to the PLC a status report and list of PPFs that are currently overdue. Each week in response to this list, PLC sends out a letter directly to the plaintiff attorneys whose PPFs are indicated to be overdue. Additionally, DLC has sent 22 letters directly to plaintiff counsel with copies to PLC, to attorneys representing plaintiffs whose PPFs are more than thirty (30) days overdue.

VIII. Depositions in State Matters that have been Cross Noticed

The deposition of Gary Pruden, Janssen Director of Marketing, was taken in state court litigation

and cross noticed in the MDL. The deposition occurred on April 25-27, 2001, and representatives of the PSC were present. The deposition of Stephen Spielberg, M.D., Janssen Vice President of Pediatric Drug Development, occurred on May 10-11, 2001, and representatives of the PSC were also present for that deposition. All of these depositions were cross noticed subject to the MDL's reservation of rights to retake these depositions.

IX. Subpoena to FDA

On May 8, 2001, PLC and DLC received a fax from the Associate Chief Counsel of the FDA concerning this subpoena. The Associate Chief Counsel requested a specific authorization from defendants with respect to the release of FDA files, and defendants will provide this specific authorization. The Associate Chief Counsel also explained certain logistical issues involving the Bates numbering format that has been requested by the litigants, and PLC and DLC are attempting to respond to these issues with the FDA. Approximately 4,600 pages shall be produced by FDA in the initial production, and another 11 cartons are to be produced following FDA's review. The timing of this production is being discussed with FDA.

X. Service List of Attorneys

Since the last Monthly Status Conference, representatives of PLC and DLC met with the Deputy Clerk with respect to providing for the development of a complete and correct service list. At the June Monthly Status Conference, PLC and DLC will deliver to the Court and its staff what is believed to be the most current and complete service list. The Court has since modified its Consolidation Order, which is distributed to all newly transferred cases to MDL 1355, to instruct counsel to contact Liaison Counsel upon the transfer of their case to the Court. (See paragraph 12 of Minute Entry of April 19, 2001). Upon the

appearance of new plaintiff counsel, PLC will send a letter to each new plaintiff counsel advising about: (1) the Court's Propulsid website; (2) the necessity to submit a Verilaw questionnaire; and (3) the deadline for furnishing Patient Profile Forms. DLC will send a letter to newly enrolled defense counsel informing them of the Court's Propulsid website and the ready availability to review all issued PTOs and the docket from the website.

XI. Ongoing Studies

The parties are continuing to discuss the development of a protocol for the production of ongoing studies. In the meantime, defendants have already produced some materials involving ongoing studies.

XII. New Agenda Items:

1. Third Party Subpoena Duces Tecum Issued by PSC.
2. Scheduling Presentation of Class Certification Motion.
3. Documents Described in the Court's Docket as "SEALED document."
4. Discussion of Tolling Agreements.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 7 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 May, 2001.

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

IN RE: PROPULSID : **MDL NO. 1355**
PRODUCTS LIABILITY LITIGATION :
: **SECTION: L**
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: **JUDGE FALLON**
THIS DOCUMENT RELATES TO ALL CASES : **MAG. JUDGE AFRICK**
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Monthly Status Conference May 17, 2001 9:00 a.m.
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AGENDA

Current Matters:

1. Virtual Document Depository
2. Master Complaint/Answer
3. Update of Rolling Document Production
4. Electronic Service/Verilaw
5. State Liaison Counsel
6. Electronic Document Production Motion/Briefing/Hearing Status

7. 30(b)(6) Deposition Regarding Corporate Organization
8. Plaintiffs Profile Form and Authorization
9. Depositions in State Matters that have been Cross Noticed
10. Subpoena to FDA
11. Plaintiffs Time and Billing Matters
12. Service List of Attorneys
13. Defendants Liaison and Lead Counsel
14. Pretrial Order Providing for the Discovery of Ongoing Studies

New Matters:

1. Third Party Subpoena Duces Tecum Issued by PSC.
2. Scheduling Presentation of Class Certification Motion.
3. Documents Described in the Court's Docket as "SEALED document."
4. Possible Tolling Agreements.