

**MINUTE ENTRY  
FALLON, J.  
FEBRUARY 24, 2011**

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

**IN RE: PROPULSID** : **MDL NO. 1355**  
**PRODUCTS LIABILITY LITIGATION** : **SECTION "L"**  
: **JUDGE FALLON**  
..... :

**THIS DOCUMENT RELATES TO ALL CASES**

A Monthly Status Conference was held on this date by telephone in the Chambers of Judge Eldon E. Fallon. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 89 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC). This conference was transcribed by Ms. Karen Ibos, Official Court Reporter. Counsel may contact Ms. Ibos at (504) 589-7776 to request a copy of the transcript. A summary of the Monthly Status Conference follows.

**I. MDL Resolution Programs I and II**

MDL Resolution Programs I and II are nearing an end. All qualified tiered claims have been submitted to the Medical Panel in both programs. The Special Master's Office is finalizing the clearance of any remaining administrative claims in both programs.

As to Propulsid I, the Special Master has submitted 4,245 Tier I, II and III claims to the Medical Panel for Review. Of the 4,245 claims, Defendants have treated 3,528 on an expedited basis. Thirty-two (32) of the tiered claims submitted to the Panel have been found eligible by the

Panel, and the Special Master has made those awards. (All numbers are current through February 22, 2011.)

As to Propulsid II, 381 claims have been submitted to the Medical Panel for review, of which Defendants have treated 326 on an expedited basis. (These numbers are current through February 22, 2011.) Two (2) claims have been found eligible.

## **II. Distribution of MDL Settlement Funds**

On November 30, 2009, the Court issued an Order granting Joint Motion for an Order authorizing Distribution of MDL I Settlement Funds which authorized the transfer of 8.75 million (Canadian) from the Settlement Fund of the MDL I Propulsid Resolution Program Fund to the Propulsid Resolution Program and further authorized a distribution in the same amount for appropriate contributions to charitable organizations (the Order was amended on December 3, 2009). On January 4, 2010, the Court issued an Order appointing a committee of plaintiffs' counsel and defense counsel to assist in recommending to the Court where the remainder of the funds should be allocated (Rec. Doc. 4023).

## **III. Attorney's Fees Issues**

On December 1, 2010 the Court issued an Order (Rec. Doc. 4155) approving the distribution of funds to pay expenses. In addition, the PSC will be filing a motion, and the Court will address the attorney's fees issue at a later date.

## **IV. Motion to Dismiss Non-Enrolled Plaintiffs**

Programs I and II are effectively finished. On January 19, 2011, Defendants filed a Motion to Dismiss Non-Enrolled Plaintiffs for failure to comply with the Term Sheet. Since such time, Defendants have learned there may be errors associated with the names listed on the

exhibits attached to the Motion. Defendants are re-reviewing the exhibits and will submit any revisions to the Court shortly.

#### **V. Current Propulsid II Timeline Status Report**

1. Claim Forms were due on 12/1/07. The Special Master's Office has received 1,724 claim forms.

2. Medical Records were due on 1/30/08. To date, approximately 97 % of the claimants who have submitted claim forms have submitted medical records.

3. Claimant memorandums were due on 3/30/08. To date, the Special Master's Office has received 9% of these on Tier claims.

4. Administrative claims began being processed on 4/1/08. To date, 436 of these claims have been paid and proceeds forwarded to claimants.

5. The Special Master's Office began clearing claims for defense briefing on 5/31/08. All qualified tier claims with medical records have been cleared for defense briefing.

6. The Special Master's Office began receiving defense memorandum on August 22, 2008.

7. Expedited claims began going to medical panels on August 28, 2008. Disbursements began on December 23, 2008 regarding administrative payments on any of these claims which were declared ineligible. The most recent batch was disbursed on February 11, 2011. It is anticipated that the next batch will be released to the defense for approval for payment on February 28, 2011.

8. Non-expedited claims began going to medical panels on September 27, 2008 and administrative payments on any of these claims which were declared ineligible began on

December 23, 2008. The most recent batch was disbursed on February 11, 2011. It is anticipated that the next batch will be released to the defense for approval for payment on February 28, 2011.

9. Payment of claims which are declared eligible will begin as soon as they are cleared by the panel and the required documentation has been submitted. Payment of eligible claims have been disbursed.

10. Panel review status:

Total to Panel: 381 (of that, 326 expedited; 47 new-expedited process)

Eligible: 2

In review: 2 (of that, 0 are expedited)

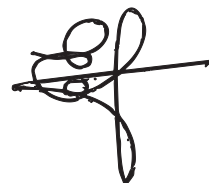
Ineligible: 377 (of that, 326 are expedited)

## **VI. Next Status Conference**

The next status conference will be held by telephone on April 21, 2011 at 1:30 p.m (CT).

Parties may participate by following these steps:

1. Dial 877-336-1839.
2. Once you are connected, enter access code 4227405. You may be put on hold until the host (the Court activates the call).
3. Once the call is activated, enter participant security code 042111 followed by the pound (#) key.
4. Finally, you will be given the option to accept or re-enter the participant security code before you are entered into the call.

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher but appears to be a personal name.