

**MINUTE ENTRY**  
**FALLON, J.**  
**March 11, 2002**

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

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

**THIS DOCUMENT RELATES TO ALL CASES:**

A pretrial status conference was held March 8, 2002 at 9:00 a.m. in the courtroom of Judge Eldon E. Fallon. In attendance for Plaintiffs were Richard Arsenault, Walter Dumas, Fred Longer, Arnold Levin, Donn Christensen, Jim Capritz, Lynn Swanson, Dawn Barrios, Larry Morris, Stephen Murray, James Dugan, Julie Jacobs, Charles Zimmerman, Rebecca Cunard, Chris Seeger, Daniel Becnel, Leonard Davis, and Russ Herman. In attendance for Defendants were James Irwin, Thomas Champion, Charles Preuss, Quentin Urguhart, James Fletcher, Jr., Bobby Truit, Issac Ryan, Virginia Trainor, and Chris G'sell. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 14 of Plaintiffs' and Defendants' Liaison Counsel.

1. Update to Rolling Document Production and Electronic Document Production

Defense Liaison Counsel ("DLC") informed the Court that as of February 2002, approximately 5,176,000 pages of documents have been produced. DLC advised that the Beerse document production is nearing completion. DLC indicated that defendants have delivered approximately 565

videotapes to Plaintiffs' Liaison Counsel ("PLC") for inspection and copying.

2. State Liaison Counsel

PLC informed the Court that the members of the SLC have been actively involved in creating a coordinated deposition schedule for MDL and state counsel pursuant to the coordination agreement memorialized in Pretrial Order No. 14. PLC also informed the Court that the members of the SLC have completed a census of claims so that they may be classified and grouped for settlement negotiation purposes.

3. Plaintiff Profile Forms and Authorizations

As of Wednesday, March 6, 2002, Defendants had received 1,284 Patient Profile Forms ("PPFs"), 51 are currently overdue, and 55 PPFs will become due within thirty (30) days. DLC indicated that defendants are prepared to move for the entry of a Rule 54(b) final judgment as to all claimants dismissed thus far.

4. Subpoena to FDA

PLC indicated that FDA has not delivered to the Plaintiffs' Steering Committee ("PSC") some remaining documents as well as a privilege log. PLC informed the Court that if the situation is not resolved within two weeks, PSC will move to compel to production of these documents by the FDA.

5. Service List of Attorneys

DLC provided the Court with an updated list of attorneys in the MDL case as well as related state court cases.

6. Ongoing Studies/Subpoena to BevGlen

PLC informed the Court that BevGlen has not provided PSC with the code necessary to interpret the BevGlen data. Further, PLC indicated that some documents remain to be produced by BevGlen. Liaison counsel informed the Court that a conference call is set for the week of March 11, 2002 at which these issues will be discussed.

The Court ordered that a telephone status conference be set for Monday, March 18, 2002 at 3:30 p.m. at which time Liaison Counsel shall inform the Court of the status of the BevGlen discovery production as well as other discovery issues.

7. Third Party Subpoena Duces Tecum Issued by PSC

PLC has received the majority of certifications from DLC. As of March 8, 2002 there remain three (3) certificates which must be produced.

8. Motion to Enter Scheduling Order for Motion and Hearing on Class Certification

On Friday, March 6, 2002, defendants filed their opposition to plaintiffs' motion for class certification. Class certification hearing will be held on Wednesday, April 10, 2002 at 9:00 a.m.

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

Plaintiffs served on the defendants Interrogatories and Request for Production of Documents, Set No. 5 on February 14, 2002. Liaison Counsel updated the Court on their efforts to comply with this Court Order dated March 7, 2002 which compelled the release of certain documents and information from both plaintiffs and defendants.

10. Settlement Negotiations

PLC informed the Court that the SLC has completed a census of all death cases. PLC will

brochure a sampling of these cases and provide same to defendants within two weeks. Within one month of the brochures being delivered, defendants will respond with a proposed settlement range.

11. Scheduling of Next Pretrial Status Conference

The next pretrial status conference will be held on Friday, May 24, 2002 at 9:00 a.m.