

MINUTE ENTRY
FALLON, J.
July 3, 2003

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 pretrial status conference was held Thursday, June 26, 2003 at 9:00 a.m. in the courtroom of Judge Eldon E. Fallon. In attendance for Plaintiffs were Leonard Davis, Arnold Levin, Charles Zimmerman, John L. Olivier, Rebecca Cunard, Julie Jacobs, Dawn Barrios, Blaine Barrilleaux, Robert Caluda, and Daniel E. Becnel, Jr. In attendance for the Defendants were James Irwin, Thomas Campion, Charles Preuss, and Monique Garsaud. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 24 of Plaintiffs' and Defendants' Liaison Counsel.

1. Update to Rolling Document Production and Electronic Document Production

Plaintiffs' Liaison Counsel ("PLC") advised the Court that no further document production is contemplated by Defendants. PLC is reviewing the discovery produced.

2. State Liaison Counsel

State Liaison Counsel ("SLC") advised the Court that it had scheduled meetings with representatives of the PLC to discuss the PLC's Motion to Withdraw Funds from the Registry of the Court. The Court indicated that it would look to counsel first to resolve any outstanding issues before seeking the Court's intervention.

3. Plaintiff Profile Forms and Authorizations

Defense Liaison Counsel ("DLC") advised the Court that as of June 20, 2003, the defendants had received 2,256 PPFs, 169 are overdue, and 64 will become due within 30 days.

DLC also brought for hearing a Motion to Dismiss with Prejudice those plaintiffs whose PPFs are overdue [Record Doc. No. 1207]. DLC provided a Court with a list of those plaintiffs subject to this motion and a list of those plaintiffs no longer subject to this motion. The PLC objected to the dismissal of these cases without prejudice, but the Court overruled that motion for reasons given at the hearing as well as at previous hearings. Accordingly, IT IS ORDERED that the DLC's Motion is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED as to those plaintiffs listed in Exhibit A to this Minute Entry and DENIED as to those plaintiffs listed in Exhibit B to this Minute Entry.

DLC shall in due course submit an appropriate judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure as to those plaintiffs dismissed.

4. 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.

5. Third Party Subpoena Duces Tecum

PLC indicated that Medicom was in the process of preparing a certification that it has no

documents responsive to the PLC's subpoena. PLC further reported that the Degge Group had produced documents on June 13, 2003 in response to the PLC's subpoenas and was preparing a privilege log as to other documents.

6. Motion for Class Certification

In an Order dated June 27, 2002, this Court indicated that it would in due course set a hearing date in connection with the PSC's second motion for class certification [MDL Document No. 619]. PLC and DLC requested that this Court defer setting a hearing on this issue.

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

DLC indicated that it would be providing two supplemental responses to the Plaintiffs' Merit Interrogatories to Defendants – Set No. 7. The Court ORDERED DLC to provide its first supplemental response no later than July 4, 2003 and to inform the PLC by that date as to the expected time for completion of the second supplemental response.

8. Trust Account

As noted above, the SLC and PLC are meeting to discuss the PLC's Motion to Withdraw Funds from the Registry of the Court and shall inform the Court of the progress of those meetings.

9. Declassified Documents

The parties advised that they had nothing new to report on this issue.

10. Mediation

PLC advised the Court that 13 cases were scheduled for mediation with the court-appointed mediator during the first week of August, 2003. The Court advised counsel wishing to participate in the mediation to contact the PLC for information.

11. Trial of Louisiana Cases

The Court indicated its desire to set trials of Louisiana cases in the months of October, November, or December, 2003. The Court further stated that it would look to counsel to determine which cases were ready to trial. Specifically, the Court advised counsel to establish categories for the types of cases ready for trial. The Court instructed counsel to contact it during the week of June 30, 2003 to schedule a status conference for the purpose of selecting trial dates.

12. Pharmacy Indemnity Agreements

DLC advised that it continues to produce copies of all pharmacy indemnity agreements to the PLC.

13. End Game Planning Committee

The End Game Planning Committee indicated that it was meeting and would continue to update the Court on the progress of its discussion.

14. Motions to Withdraw

Counsel advised the Court that several plaintiffs' attorneys have filed motions to withdraw as counsel of record. The Court advised that it would not permit counsel to withdraw from representation unless new counsel was thereby added. The Court further instructed counsel seeking to substitute to first contact PLC and DLC and discuss proposed substitutions.

15. Motion to Withdraw in the Matter of Donald Anderson, Civil Action 02-3518

This matter was addressed in the Court's Minute Entry dated June 26, 2003.

16. Scheduling of Next Pretrial Status Conference

The next pretrial status conference will be held on Thursday, August 14, 2003 at 9:00 a.m.

APPENDIX A

Plaintiffs Subject to Defendants' Motion to Dismiss for Failure to Furnish PPFs

Civil Action Number 01-1303

Paula Hughes
Victoria Perrin

Civil Action Number 01-1304

Marcia Melvin

Civil Action Number 02-2866

Regis King, Executor of the Estate of Shannon King, Deceased
Willie Payne, Executor of the Estate of Alowyn Woods, Deceased

Civil Action No. 02-3028

Alice Ayala
Stacey Copeland
Joe Curtis
Brian Hayes, as Executor of the Estate of Frank Hayes, Deceased
Chester Hunt, as Executor of the Estate of Joseph Hunt, Deceased
Ellen Karalasis
Valerie Moore, as Executor of the Estate of Gloria Moore, Deceased
Debra Perry
Elsie Prejean
Leonard Reedus, as Executor of the Estate fo Nancy Reedus, Deceased
Viola Sanchez

Civil Action Number 02-2865

Bridgett Anderson
Patsy Bell
Terrell Burdin
Frederick Clark
Amber Deville, for the Interest of, the Representative of, and Next of Friend for Minor, Brittany Deville
Greg Douglas
Gretta Haines, for the Interest of, the Representative of, and Next of Friend for Minor, Alexandria Haines
Patricia Hardy
Benjamin Hathoot
Randy Lytle, for the Interest of, the Representative of, and Next of Friend for Minor, Jason Lytle
Dustin Morrow, as Executor of the Estate of Jacki Morrow, Deceased
Theresa Novreske, for the interest of, the Representative of, and Next of Friend for Minor, David
Novreske

Diane Perkins
Sandra Walker
Mary Weaver
Tye Whitehouse
Mary Williams

Civil Action Number 02-3029

Fred Biggs
Carrie Chambers
Regina Coleman, for the Interest of, the Representative of, and Next of Friend for Minor, Edbony Coleman
Donna Cowgill
Marilyn Chrislip
Lewis Debarge
Sam Moorey, as Executor of the Estate of Ruby Futch, Deceased
Cassandra Green
Gerald Guy
Audrey Hawkins
Lillian Jenkins
Rose Jernigan
Laetta Jerome, as Executor of the Estate of George Jerome
Ever Johnson, for the Interest of, the Representative of, and Next of Friend for Minor, Darius Johnson
Gale Jordan, Sr.
Cheryl Khoury
Susan Meece, for the Interest of, the Representative of, and Next of Friend for Minor, Jessica Kraeer
Maggie Franco, for the Interest of, the Representative of, and Next of Friend for Minors, Brianna Lasalde
and Jose Lasalde
Johnnie Lewis, for the Interest of, the Representative of, and Next of Friend for Minor, Jocelyin Lewis
Cynthia Mendez, for the Interest of, the Representative of, and Next of Friend for Minor, Cody Mendez
Christi Campsey, for the Interest of, the Representative of, and Next of Friend for Minor, Tyler Monroe
Kelly Pilgreen
Lacreatia Ransom, for the Interest of, the Representative of, and Next of Friend for Minor, Roy Ransom
Celesta Rea
Gloria Robertson
Candice Hildebrand, for the Interest of, the Representative of, and Next of Friend for Minor, Sheridan
Samuels
Charles Smith

Civil Action No. 02-3749

Helen S. Brewer
Gregory M. Bridges
Debra Y. Butler
Jan Byrd

Betty Courtney
Grace Donaldson
Gerald Hightower
Travell Hills
Roderick N. Holmes
Hubert J. Kiracoffe
Carla Lee
Mrs. Lavar, as Parent and Next Friend of Brittany Ann Livar, a Minor Child Lisa Ann Livar
Kimberly MacKenzie
Willard Rae Morgan
Clair Marie Payne
Kendrick Quinn
Frederick Reasor
Carmin Rodriguez
Frank Rodriguez
Marcello Salazar
Mittie C. Thomas
Max Vinston
Juanita Walker
A. G. Weathersby
Rita Weathersby
Deanna Whitten, as Parent and Next Friend of Hunter Bailey Whitten, a Minor Child
Barbara Jean Willis

Civil Action No. 02-3745

Carrie Green

Civil Action No. 02-1958

Darlene Kelly

Civil Action No. 03-111

Linda Conner King, Personal Representative of the Estate of Wilora S. Conner, Deceased

Civil Action No. 02-2542

Alice Powell Carter

Charlie Dorsey

APPENDIX B

Plaintiffs No Longer Subject to Defendants' Motion to Dismiss for Failure to Furnish PPFs

Civil Action No. 02-3749

Joel R. Bailey

Sgt. Charles (Charles King)

Mary Hill

David Howell

A. L. Humphreys

Karen Kaye

Marshon G. King

Edwin Lawrence

James Donald Meadows

F. A. Morris a/k/a Punk Morris

Sheila Jane Stricklin

Robert L. Taylor

Wilbur Preston Thomas

Tommy Wallace

Civil Action No. 03-112

C. Phil Ward