

**MINUTE ENTRY
FALLON, J.
JULY 25, 2007**

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

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

THIS 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. 56 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC).

I. State Liaison Counsel/MDL Resolution Program II

The enrollment requirements have been met for the State Settlement Program (Propulsid II). Defendants have provided the PSC and SLC with proposed Escrow Agreements and are working with the parties to finalize such agreements. Once the Escrow Agreements are executed, Defendants advise that they will fund the various funds. The parties are discussing revising the deadlines for submission of enrollment and claim forms.

II. Trust Account

There has been one deposit in the Trust Account since the last status conference.

III. MDL Mediation and Resolution Program

The deadline for enrollment and the submission of claims forms for the First MDL Resolution Program has expired. The Special Master reports that there are over 15,000

claimants who enrolled, but did not submit claims forms. The DLC has advised that it will seek dismissal of claimants (except those granted extensions of time) and is discussing the issue further with the PSC.

The Special Master reported that 832 Tier I, II, and III claims have been submitted to the medical panel for review. Of these 832 claims, 673 have been treated on an expedited basis. Six (6) of the submitted tiered claims have been found eligible by the panel, and the Special Master has made those awards. Sixty-six (66) submitted claims are still in the review process, with 60 of these considered expedited by the Defendants. Seven hundred sixty submitted claims have been found not eligible.

The weekly telephone conference with the Special Master, PLC, DLC and SLC continues to take place to discuss issues regarding the Resolution Program.

IV. Pro se Plaintiffs

On January 23, 2007, the Court held a hearing on the Defendants' Motion to Show Cause regarding pro se plaintiffs who have not enrolled in the Settlement Program, at which time the Court ordered the non-enrolled pro se plaintiffs dismissed. Defendants have submitted a list of pro se plaintiffs to be dismissed to the SLC and PLC for final review. Defendants are prepared to submit the list to the Court to secure an Order of dismissal.

V. Emergency Motion for Distribution of Attorney's Fees

On November 23, 2005, the Court issued an Order and Reasons regarding the Emergency Motion for Distribution of Attorney's Fees with full reservation of rights to all attorneys who may claim any right to common fees and expense reimbursement. On December 5, 2005, Daniel E. Bechnel filed a Motion to Reconsider the Motion. The matter has been reset for hearing on August 29, 2007 at 9:00 a.m.

On March 2, 2006 Dumas & Associates Law Corporation filed a Motion for Common Benefit Fees and Expenses Reimbursements. On April 4, 2006, the PLC filed a response to the motion. A hearing date has not been set.

VI. Liason's Counsel Motion for Equitable Administration of the Settlement Agreement

On February 7, 2007, the PLC filed a sealed Motion for Equitable Administration of the Settlement Agreement, which Defendants opposed, regarding modification of the process in which claims are approved or denied by the medical panel. This matter was set for hearing on April 4, 2007, but was continued without date. Defendants filed a sealed Motion for Judicial Declaration regarding Propulsid II on March 13, 2006, which was also continued without date. The parties have withdrawn their motions with a reservation of rights to reassert their positions, if necessary.

VII. Supplemental Agreement re: Propulsid I and II

After numerous discussions between the parties, as well as with Special Master Juneau, the parties have reached an agreement, which is set forth in a "Supplemental Agreement re: Propulsid MDL 1 and 2," that will be posted on the Court's website once it is fully executed.

VIII. Next Status Conference

The next status conference will be held by telephone on August 23, 2007 at 9:00 a.m. Dial-in information for participation will be posted on the Propulsid MDL website prior to the conference.

A handwritten signature in black ink, appearing to be a stylized name or set of initials, possibly 'JF' or similar, with a long horizontal stroke extending to the right.