

**MINUTE ENTRY
FALLON, J.
SEPTEMBER 12, 2006**

**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 on September 6, 2006 via telephone in the Chambers of Judge Eldon E. Fallon. In attendance for Plaintiffs were Russ Herman, Leonard Davis, Arnold Levin, Barry Hill, Dawn Barrios, Richard Arsenault, Daniel Becnel, Matthew Moreland, Charles Zimmerman and Walter Dumas. In attendance for the Defendants were James Irwin, Chuck Preuss, Thomas Campion, Monique Garsaud and Bob Wright. Special Master Patrick Juneau, Curator Robert Johnston and Kim West, counsel for Blue Cross, also attended the conference. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 49 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC).

I. State Liaison Counsel/MDL Resolution Program II

The deadline for enrollment in the Propulsid II settlement program is September 15, 2006. Counsel stated that the settlement agreement requires that 90 percent of wrongful death cases, 95 percent of personal injury cases and 100 percent of the *Achord* plaintiffs enroll. Counsel further stated that 81.45 percent of the wrongful death cases, 87 percent of the personal injury cases and 100 percent of the *Achord* plaintiffs have enrolled thus far. The agreement also

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calls for all 5,000 tolling agreement plaintiffs to enroll. Counsel are cautiously optimistic about meeting the required enrollment levels for the program.

II. Trust Account

The Defendants made a deposit into the Trust Account on August 14, 2006.

III. Trial Schedule

The matter of *Gregory A. Gellner v. Johnson & Johnson Co., et al.* has been adjourned, and no new date has been set.

IV. MDL Mediation and Resolution Program

The Special Master reported that there are currently over 20,000 claimants who have enrolled in the First MDL Resolution Program. The Special Master continues to review claim forms to determine if the forms meet the qualifying criteria set forth in the term sheet. The Special Master informs Plaintiffs' counsel regarding the deficiencies of various claims as they arise.

The Special Master further reported that 58 claims have been submitted to the medical panel for review. Three of these are currently under review and five have qualified for compensation consideration for which the Special Master has made awards.

The PLC and DLC have met with the Special Master by telephone on a weekly basis to discuss the progress of the program.

V. Pro se Plaintiffs

Liaison counsel discussed the proposed mailing to pro se plaintiffs that will detail the pro se plaintiffs' rights and options in the litigation from this point forward. The Court ordered the PLC and the DLC to send the proposed letter, approved by both parties, to Curator Robert Johnston within five days. The approved letter will be sent to the last known address listed for

each pro se plaintiff. If this proves insufficient for contact, the Court will order the parties to place information in a newspaper circulated in a geographic area which encompasses the pro se plaintiff's last known address. If necessary, the Court will also order that the names of those pro se plaintiffs whom the parties have failed to contact be posted on the Propulsid MDL website.

VI. Emergency Motion for Distribution of Attorney's Fees

The parties have agreed to further continue the hearing date on this Motion.

VII. Medical Panel Presentation

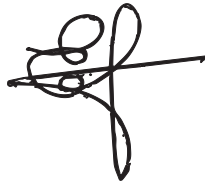
The parties and the Special Master conducted an orientation for new panel members under the Court's guidance on June 29, 2006.

VIII. Insurance Matters

The Court asks that the representative of insurance companies with possible lien claims monitor the situation. Discussions will be forthcoming at the appropriate time.

XI. Next Pretrial Status Conference

The next status conference shall be held on **Wednesday, October 11, 2006, at 1:30 p.m.** This conference shall be held via telephone. The Court shall establish a toll-free number for dial-in by the parties, and the number shall be distributed and posted on the Court's website.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a vertical line extending downwards.