

**MINUTE ENTRY  
FALLON, J.  
OCTOBER 23, 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 monthly status conference was held on October 11, 2006 via telephone in the Chambers of Judge Eldon E. Fallon. In attendance for Plaintiffs were Russ Herman, Leonard Davis, Arnold Levin, Barry Hill, Richard Arsenault, Stephen Murray, Daniel Becnel, Carroll Ingram and Josh Brockman. In attendance for the Defendants were James Irwin, Chuck Preuss, Thomas Campion, Monique Garsaud and Tracie Militano. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 50 of Plaintiffs' Liason Counsel (PLC) and Defendants' Liaison Counsel (DLC) (Rec. Doc. No. 2016).

**I. State Liaison Counsel/MDL Resolution Program II**

The deadline for enrollment in the Propulsid II settlement program has been extended. Counsel are cautiously optimistic about meeting the required enrollment levels for the program.

**II. Trust Account**

There have been no deposits into the Trust Account since the last monthly status conference. Mr. Davis stated he received a report from Deutsche Bank that indicates favorable results from investment of funds. Mr. Davis further stated that he forwarded the report to members of the PSC.

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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 64 claims have been submitted to the medical panel for review. Two of these are currently under review and six 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

The defendants will submit shortly a Motion for an Order to Show Cause regarding the pro se plaintiffs. Once the Order is signed, the Court will post the Order on the Propulsid MDL website and curator Robert Johnston will provide notice of the signed Order to pro se plaintiffs.

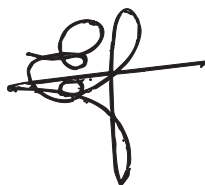
VI. Emergency Motion for Distribution of Attorney's Fees

The hearing on the Motion to Reconsider the Emergency Motion for Distribution of Attorney's Fees has been continued until December 4, 2006.

XI. Next Pretrial Status Conference

The date for the next status conference will be held open, pending further information on

enrollment in the MDL Resolution Program II. The date and time of the next conference will be posted on the Propulsid MDL website when it is set.

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