

COPY IN CHAMBERS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2004 NOV 12 PM 2: 28

LORETTA G. WHYTE
CLERK



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

**IN RE: PROPULSID
PRODUCTS LIABILITY LITIGATION**

: **MDL NO. 1355**
:
: **SECTION: L**
:
: **JUDGE FALLON**
: **MAG. WELLS ROBY**
:
:
:

THIS DOCUMENT RELATES TO ALL CASES

**JOINT MOTION AND ORDER TO APPOINT DISBURSING AGENT FOR MDL
SETTLEMENT PROGRAM**

NOW INTO COURT, through undersigned counsel, come Defendants' Liaison Counsel ("DLC") and Plaintiffs' Liaison Counsel ("PLC"), who move this Court for an Order appointing Daniel H. Clavier, Jr. and the firm of Bourgeois Bennett, L.L.C., CPAs, of New Orleans, Louisiana be appointed to serve under the supervision of the office of the Special Master, Patrick A. Juneau, as Court Appointed Disbursing Agent (hereinafter CADA), to administer the settlement funds and the disbursement thereof as ordered by the Court.

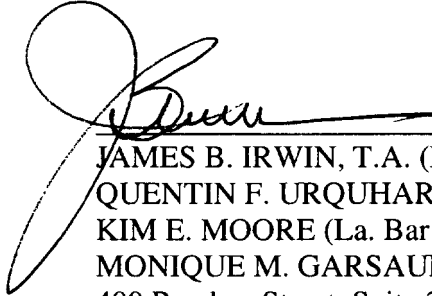
WHEREFORE, for the above and foregoing reasons, Plaintiffs' Liaison Counsel and Defendants' Liaison Counsel respectfully jointly request that the Court enter an Order in the form attached providing for the appointment of Daniel H. Clavier, Jr. as the disbursing agent.

DATE OF ENTRY
NOV 15 2004

— Fee _____
— Process _____
X Dktd. 90
— CtRmDep _____
— Doc. No. 1571

Respectfully submitted,

IRWIN FRITCHIE URQUHART & MOORE LLC



JAMES B. IRWIN, T.A. (La. Bar. #7172)

QUENTIN F. URQUHART, JR. (La. Bar #14475)

KIM E. MOORE (La. Bar #18653)

MONIQUE M. GARSAUD (La. Bar #25393)

400 Poydras Street, Suite 2700

New Orleans, Louisiana 70130

Phone: (504) 310-2100

Fax: (504) 310-2101

**LIAISON COUNSEL FOR DEFENDANTS,
JANSSEN PHARMACEUTICA INC. AND
JOHNSON & JOHNSON**

DRINKER, BIDDLE & SHANLEY LLP

THOMAS F. CAMPION

SUSAN M. SHARKO

500 Campus Drive

Florham Park, NJ 07932-1047

Phone: (973) 549-7300

Fax: (973) 360-9831

and

DRINKER, BIDDLE & REATH LLP

CHARLES F. PREUSS

DONALD F. ZIMMER, JR.

50 Fremont Street, 20th Floor

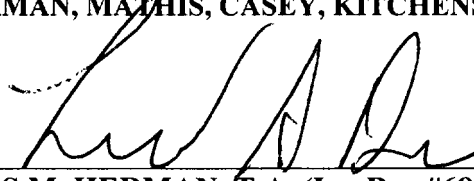
San Francisco, CA 94105

Phone: (415) 591-7500

Fax: (415) 591-7510

**CO-LEAD COUNSEL FOR DEFENDANTS,
JANSSEN PHARMACEUTICA INC. AND
JOHNSON & JOHNSON**

HERMAN, MATHIS, CASEY, KITCHENS & GEREL, LLP

A handwritten signature in black ink, appearing to read "Russ M. Herman", is written over a horizontal line.

RUSS M. HERMAN, T.A. (La. Bar #6819)

LEONARD A. DAVIS, (La. Bar #14190)

820 O'Keefe Avenue

New Orleans, Louisiana 70113

Phone: (504) 581-4892; Fax: (504) 561-6024

LIAISON COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing pleading entitled Motion to Appoint Disbursing Agent was served on Plaintiffs' Liaison Counsel by e-mail and by e-service to all parties by uploading same to Verilaw on this 17th day of November, 2004.

A handwritten signature in black ink, appearing to be "J. Lee", is written over a horizontal line. The signature is stylized and extends below the line.

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

IN RE: PROPULSID	:	MDL NO. 1355
PRODUCTS LIABILITY LITIGATION	:	SECTION: L
	:	
	:	JUDGE FALLON
	:	MAG. WELLS ROBY
THIS DOCUMENT RELATES TO ALL CASES:	:	
	:	
_____	:	

ORDER

Considering the foregoing Motion and the Consent Order entered by the Court on February 4, 2004;

IT IS ORDERED THAT Daniel H. Clavier, Jr. and the firm of Bourgeois Bennett, L.L.C., CPAs, of New Orleans, Louisiana be appointed to serve under the supervision of the office of the Special Master, Patrick A. Juneau, as Court Appointed Disbursing Agent (hereinafter CADA) to administer the settlement funds and the disbursement thereof as ordered by the Court. The CADA is charged with the responsibility of maintaining all records pertaining to receipts and disbursements; the financial aspects of all claims; administrative expenses; the computerized generation and preparation of all data regarding the Special Master's evaluation and proposed allocation with respect to the claims; and the eventual disbursement of the

settlement funds; the administration of the settlement funds under applicable IRS regulations, and that Bourgeois Bennett be paid at their published rates for litigation support, subject in all respects to further orders of direction by the Court.

NEW ORLEANS, LOUISIANA, this 15 day of Nov., 2004


UNITED STATES DISTRICT COURT JUDGE

C:\Documents and Settings\kelleyb\Local Settings\Temporary Internet Files\OLKAB\Order re CADA.wpd