

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

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

**ORDER SUPPLEMENTING
PRETRIAL ORDER NO. 16**

IT IS HEREBY ORDERED that Pretrial Order No. 16, entered on the docket of this Court on December 26, 2001, be in the same is amended and supplemented as follows:

Plaintiffs’ Liaison Counce (“PLC”) and Defednants’ Liaison Counsel (“DLC”) shalle utilize, for the purposes described in Pretrial Order No. 16, the Registry of the Court of the United States District Court, Eastern District of Louisiana. It shall not be necessary for PLC and DLC to designate an escrow agent or open an account at the Whitney National Bank. The funds deposited into the Registry of the Court shall be placed in an interest bearing account so that all interest earned, except for the amount charged by the Clerk of Court for maintaining the account, shall accrue to the benefit of the PLC. Deposits by DLC shall be made within ten business days of resolution or settlement of any case (the date of delivery to Mr. Charles F. Preuss at the offices of Drinker, Biddle & Reath in San Francisco of a) fully executed settlement documents, b) court approvals where required, and c) stipulations/motions for dismissal with prejudice appropriately executed by plaintiff counsel).

DLC shall keep and maintain an accounting of all assessments to be deposited into the Registry of the Court. The accounting shall include the date of settlement or resolution of each matter, the name of the resolved or settled claimant, the name of Plaintiffs’ counsel and the amount deposited into the Registry of

the Court for each resolved or settled claimant. This information shall be provided to the Court upon request. DLC shall for each deposit provide to the Clerk of Court a form containing such information together with a check made payable to "United States District Court/Clerk of Court" referencing "MDL-1355/Judge Fallon/PTO 16".

Funds shall be disbursed from the registry of the court only upon order of a judge of this court. It shall be the responsibility of PLC upon filing a motion for disbursement to satisfy the court of the recipient's entitlement to the funds sought to be disbursed.

A motion for disbursement of registry funds shall set for the principal sum, the interest and a total amount of funds contained in the Registry of the Court as of the most recent statement provided by the Clerk of the Court. The motion shall also state the amount of principal funds to be disbursed, to whom the disbursement is to be made, complete mailing or delivery instructions and specific instructions regarding distribution of accrued interest.

Each motion for disbursement of registry funds shall be accompanied by a proposed order which shall contain substantially the following language: "The clerk is authorized and directed to draw a check (or checks) on the funds on deposit in the registry of this court in the principal amount of \$_____ plus/without interest earned less the assessment fee for the administration of funds."

If more than one check is to be issued on a single order, the principal due each payee must be stated separately. Counsel must also provide the Social Security number or Tax I.D. number for each payee and complete mailing or delivery instructions for each payee.

On all checks drawn by the clerk on registry funds, the name of the payee shall be written as that name appears in the court's order providing for disbursement.

The Clerk will issue disbursements as soon as possible after receipt of the order for disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when otherwise directed by the court.

The motion for disbursement of registry funds shall be submitted to the financial deputy clerk for certification of the principal amount of the fund held in the registry in a particular case, before the motion is presented to the judge.

The Clerk of Court is authorized to charge an administration fee which is 10% of interest earned. The Clerk of Court is instructed, on a quarterly basis, to provide PLC and DLC a report containing a statement identifying the total sum of principal deposits, interest accrued, disbursements and total current balance of the amount on deposit in the Registry of the Court. The Clerk of Court is further directed to provide only to DLC the ledger of all deposits and disbursements. The ledger shall be sealed and remain confidential to all parties and counsel except for DLC. The ledger shall be provided by the Clerk of Court on a quarterly basis to DLC at the same time the quarterly statement is provided to PLC and DLC. DLC shall, on a quarterly basis, certify that the ledger maintained by the Clerk of Court accurately reflects the accounting of assessments and deposits maintained by DLC.

New Orleans, this 15th day of January, 2003.

/s/ Eldon E. Fallon
JUDGE