

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

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

**JOINT REPORT NO. 98 OF PLAINTIFFS'
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 98 in preparation of the October 11, 2012 Status Conference. To participate via telephone, dial-in information may be accessed on the Court's website at <http://propulsid.laed.uscourts.gov/>.

I. MDL Resolution Programs I and II

MDL Resolution Program I is nearing an end, and MDL Resolution Program II is complete and was terminated by Order of the Court on October 3, 2012 [Rec. Doc. 4590]. In the Court's Order, all claims, plaintiffs, enrollees, and cases in MDL Resolution Program II were terminated and dismissed with prejudice. As to MDL I, the Special Master's Office is finalizing the clearance of the remaining administrative claims. Once the Special Master is finished clearing these claims, the Defendants shall file a Motion to Terminate the claims of all enrollees in the MDL Resolution Program I as was done in MDL Resolution Program II.

II. Distribution of MDL Settlement Funds

On December 15, 2011, the Court issued an Order [Rec. Doc. 4425] on the Joint Motion and Order for Partial Disbursement of Settlement Funds to Defendant Johnson & Johnson granting the motion and disbursing \$40,000,000.00 out of the Settlement Fund in MDL I and \$5,000,000.00 out of the Settlement Fund in MDL II to Defendant Johnson & Johnson, and further ordered that if the Court at a later date determines that the Settlement Funds in the MDL I and/or MDL II are insufficient and additional funds are needed to satisfy any remaining claims, Johnson & Johnson shall return and replenish the settlement funds. Now that the MDL Resolution Program II has been terminated and pursuant to the Court's Order dated October 3, 2012 [Rec. Doc. 4590], the Defendants have requested the Special Master promptly return to Johnson & Johnson and Janssen Pharmaceuticals, Inc. the remaining balances in the Settlement and Administrative Funds for MDL II. Once MDL Resolution Program I is terminated and in compliance with the November 25, 2009 Order [Rec. Doc. 4013] , the parties shall request a return to the Defendants of the remaining balances in the Settlement and Administrative Funds for MDL I.

III. Attorneys' Fees Issues

On March 15, 2012, the PSC filed a Motion for Distribution of Additional Attorney's Fees and Reimbursement of Costs (Re: MDL Settlement Program I) [Rec. Doc. 4465]. The matter was set for hearing, with oral argument, on April 25, 2012 [Rec. Doc. 4467]. On April 25, 2012, the Court issued an Order on the motion [Rec. Doc. 4497]. On August 1, 2012, Plaintiffs' Liaison Counsel, Russ M. Herman, filed a Motion for Distribution of Attorney's Fees (Re: MDL Settlement Program II) [Rec. Doc. 4540]. A hearing on the motion was conducted

on August 22, 2012, and the Court issued an Order on August 22, 2012 granting the motion [Rec. Doc. 4556].

IV. Motions to Dismiss

Defendants continue to file Motions to Dismiss and Stipulations of Dismissals, and thousands of plaintiffs have been dismissed and/or terminated from the Court's docket over the last several months. The Defendants' motions cover the following categories: claims which have been processed and paid; claims which were ineligible for payment; plaintiffs who failed to prosecute their claims; claims which did not qualify for the Resolution Programs; and/or plaintiffs who did not enroll in the Resolution Programs. Approximately nine (9) plaintiffs remain on the Court's docket and are awaiting processing from the Special Master and/or Curator so that additional motions to dismiss may be filed and the MDL Resolution Program I may be terminated. The goal of undersigned counsel and the Special Master is to have all the remaining claims processed and dismissed as soon as possible, and the parties and the Special Master are working diligently toward that goal. The parties will be prepared to discuss this further at the October 11, 2012 Status Conference.

Respectfully submitted,

s/ Brian P. Quirk

JAMES B. IRWIN, T.A. (La. Bar No. 7172)

BRIAN P. QUIRK (La. Bar No. 19748)

IRWIN FRITCHIE URQUHART & MOORE LLC

400 Poydras Street, Suite 2700

New Orleans, Louisiana 70130

Phone: (504) 310-2100

Fax: (504) 310-2101

LIAISON COUNSEL FOR Defendants,

JANSSEN, L.P. AND JOHNSON & JOHNSON

DRINKER BIDDLE & REATH LLP

THOMAS F. CAMPION
SUSAN M. SHARKO
500 Campus Drive
Florham Park, NJ 07932-1047
Phone: (973) 549-7300
Fax: (973) 360-9831

DRINKER BIDDLE & REATH, LLP
TRACIE MILITANO ROSEN
50 Fremont Street, 20th Floor
San Francisco, CA 94105-2235
Phone: (415) 591-7500
Fax: (415) 591-7510
**CO-LEAD COUNSEL FOR Defendants,
JANSSEN, L.P. AND
JOHNSON & JOHNSON**

/s/ Leonard A. Davis

RUSS M. HERMAN, T.A. (La. Bar #6819)
LEONARD A. DAVIS, #14190
JAMES C. KLICK, #7451
HERMAN GEREL, LLP
820 O'Keefe Avenue
New Orleans, Louisiana 70113
Phone: (504) 581-4892; Fax: (504) 561-6024
LIAISON COUNSEL FOR PLAINTIFFS

PLAINTIFFS' STEERING COMMITTEE

DANIEL BECNEL, JR.
106 W. Seventh Street
Reserve, LA 70084-0508
Phone: (504) 536-1186
Fax: (504) 536-6445

JAMES DUGAN
365 Canal Street
Suite 1000
New Orleans, LA 70130
Phone: (504) 648-0180
Fax: (504) 648-0181

ARNOLD LEVIN
510 Walnut Street, Suite 500
Philadelphia, PA 19106-3875
Phone: (215) 592-1500
Fax: (215) 592-4663

J. MICHAEL PAPANTONIO
316 S. Baylen Street, Suite 600
P.O. Box 12308
Pensacola, FL 32581
Phone: (850) 435-7000
Fax: (850) 435-7020

STEPHEN B. MURRAY
909 Poydras Street, Suite 2550
New Orleans, LA 70112
Phone: (504) 525-8100
Fax: (504) 584-5249

CHRISTOPHER A. SEEGER
One William Street
New York, NY 10004
Phone: (212) 584-0700
Fax: (212) 584-0799

BOB F. WRIGHT
556 Jefferson Street, Suite 500
Lafayette, LA 70502-3668
Phone: (337) 233-3033
Fax: (337) 232-8213

CHARLES S. ZIMMERMAN
651 Nicollet Mall
Suite 501
Minneapolis, MN 55402
Phone: (612) 341-0400
Fax: (612) 341-0844

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing Joint Report No. 98 of Plaintiffs' and Defendants' Liaison Counsel has been served upon all parties by electronically uploading the same to LexisNexis File & Serve, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF system which will send a Notice of Electronic Filing on this 9th day of October, 2012.

/s/ Leonard A. Davis _____

