

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

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| IN RE: PROPULSID | : | MDL NO. 1355 |
| | : | |
| PRODUCTS LIABILITY LITIGATION | : | SECTION: L |
| | : | |
| | : | JUDGE FALLON |
| | : | MAG. JUDGE AFRICK |
| THIS DOCUMENT RELATES TO ALL CASES | : | |
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**JOINT REPORT NO. 2 OF
PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Report No. 2. The Court has requested that PLC and DLC "meet and confer" on several issues to which this report addresses.

I. Electronic Service/Website - (PTO2 - IV(C)(C))

PLC and DLC has had several communications with Verilaw Technologies, Inc. following the entrance of Pre-Trial Order No. 4 (Electronic Service). Verilaw is in the process of creating the website and has informed PLC and DLC that the site should be functional for electronic service within by January 3, 2001.

II. 12(b) Motions, Master Complaint and Motions for Summary Judgment - (PTO2 - VI(B))

PLC and DLC have conferred regarding the master complaint and answer.

III. Initial Disclosures - (PTO2 - IX)

Defendants have advised that initial document production by defendants is to take place on December 15, 2000. At that time the defendants will be producing approximately 290,000 to 300,000 pages of materials on CD-ROM. The database to the documents should be provided by no later than December 22, 2000.

IV. Document Production Protocol - (PTO2 - XI)

PLC and DLC have met and had numerous conversations regarding the document production protocol. With respect to hard copy documents, PLC and DLC have agreed to production by the defendants in the format set forth in a Motion and Pre-trial Order ____ (Production of Hard Copy Documents by Defendants) that will be filed with the court. DLC has advised that they object to the production of electronic information. This issue will need to be addressed with the court.

V. Plaintiffs Fact Sheet - (PTO2 - X(E))

PLC has responded to the proposed fact sheet submitted by DLC. Additional discussions are taking place and it is expected that PLC and DLC shall have further information to report to the court on the fact sheets by January 3, 2001.

VI. State Liaison Counsel - (Minute Entry November 16, 2000)

The PLC recommends that in addition to Richard Arsenault, Jim Capretz, Chris Seeger, Tina Nieves, Isaac Byrd and Mark Robinson that New Jersey's judge, the Honorable Marina Corodemus, designate a liaison counsel to the MDL.

VII. Virtual Document Depository - (Minute Entry November 16, 2000)

The DLC has advised that the defendants are not interested in utilizing a virtual document depository nor or they interested in paying any costs. The Plaintiffs are interested in creating, establishing and utilizing a virtual document depository provided the costs of creating, hosting and maintaining the depository can be economically feasible and adequate security can be assured. The PLC will, however, only establish the depository with sole control of access to its own work product.

VIII. Stipulation Regarding FRE 803(c) - (Minute Entry November 16, 2000)

DLC has advised that they are unable to provide a stipulation regarding FRE 803(c). Plaintiffs proposed that all documents produced by defendants be deemed business records except those specifically identified by defendants at the time of production.

IX. Plaintiff's Counsel Expense & Cost Accounting Record Keeping - (Minute Entry November 16, 2000).

PLC filed with the court a Motion requesting that the court extend the date for filing time and billing expense reports until January 31, 2001. The defendants have no objection to this motion.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served on all counsel of record by depositing same in the US Mail postage prepaid this ____ day of _____, 2000.

RUSS M. HERMAN