

II. Master Complaint/Answer - (PTO 2 - VI(B))

At the January 18, 2001, Monthly Status Conference, PLC reported extensively to the Court on issues surrounding their concerns with respect to the development of a master complaint. DLC indicated a preference for a Master Complaint and Answer procedure, and the Court requested that the parties continue to discuss the matter and report on their progress in sixty (60) days. PLC described continuing developments at the February 20, 2001 Monthly Status Conference, including the formation of a committee to examine the development of a Master Complaint for Class Actions and a separate Master Complaint for individual cases. PLC expects to circulate a draft memo regarding Master Complaint problems to the Plaintiff's Steering Committee and to address with DLC issues that arise. It is expected that issues relating to Lexacon, individual state law claims, and third party issues will be discussed with DLC prior to the April status conference.

III. Update of Rolling Document Production - (PTO 2 - IX)

Approximately ninety-two thousand (92,000) pages of documents were produced on March 1, 2001 from the corporate sector for marketing and sales of the defendants. Defendants advise that an additional and a larger production will be made regarding marketing and sales documents on or before March 15, 2001. Defendants further advise that the April production will consist primarily of documents from the Customer Action Center.

As reported at the February 20, 2001, Monthly Status Conference, the defendants will supplement their discovery responses, and the plans are to do so no later than Tuesday, March 13, 2001.

Plaintiffs desire expedited production of documents including foreign materials responsive to discovery requests.

IV. Electronic Service/Verilaw - (PTO 2- IV(C)(C))

User ID's and passwords have been furnished by Verilaw to attorneys who are properly registered in accordance with Pretrial Order No. 4 and its Supplements. User ID and password information has also been furnished to the Court and its Staff. The electronic service site for MDL 1355 went live on Friday, March 9 and is currently fully functional.

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

Representatives from the New Jersey state cases, the Texas state cases and the MDL met in Dallas, Texas on February 28, 2001, in connection with electronic document production issues.

VI. Electronic Document Production Motion/Briefing/Hearing Status

As reported at the last Monthly Status Conference on February 20, 2001, the parties continued with their discussions on the development of an agreed protocol for the preservation and production of electronic documents. Following the recent meeting in Dallas with the involved counsel and experts of the parties on February 28, 2001, and a conference call thereafter on March 8, 2001, the parties can report to the court: 1) with respect to the preservation, there is an agreement in principle regarding the preservation of domestic electronic data but no agreement yet on international electronic data. With regard to preservation of international electronic data, the defendants report that there are both logistical and technical problems that remain unresolved. The defendants have distributed notices to responsible personnel internationally and are circulating questions intended to address both the logistical and the technical issues surrounding preservation of electronic data internationally. Solutions to these questions are not finalized. Plaintiffs believe the domestic agreement, in principle should apply corporate wide. DLC and PLC expect to be able to report to the Court at the March 15, 2001 Monthly Status Conference more on the particulars of

these issues. 2) With respect to production of electronic data, the parties are discussing the development of language for a protocol that would provide for the handling of such materials. PLC and DLC will be prepared to report to the Court on the particulars of these issues with more detail at the March 15, 2001, Monthly Status Conference.

VII. 30(b)(6) Deposition Regarding Corporate Organization

On February 21, 2001, DLC issued a 30(b)(6) deposition regarding domestic corporate organization. The depositions were scheduled to take place during the week of March 5, 2001 in Philadelphia. These were moved to March 12, 2001 on account of bad weather in Philadelphia. In response to the PCS's request, defendants produced over 2,500 pages of documents in advance of the scheduled deposition date. PLC desires to take international corporate depositions to understand corporate organization.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served on defendants liaison counsel, James Irwin by hand delivery or electronically and upon all plaintiffs counsel of record electronically or by electronically being uploaded to Verilaw in accordance with Pre-Trial Order No. 4, this ____ day of March, 2001.

**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 : **MAG. JUDGE AFRICK**
: **.....**

Monthly Status Conference March 15, 2001 9:00 a.m.
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AGENDA

Current Matters:

1. Virtual Document Depository
2. Master Complaint/Answer
3. Update of Rolling Document Production
4. Electronic Service/Verilaw
5. State Liaison Counsel
6. Electronic Document Production Motion/Briefing/Hearing Status
7. 30)b)(6) Deposition Regarding Corporate Organization