

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

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

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**JOINT REPORT NO. 53 OF  
PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 53 in preparation of the April 19, 2007 Monthly Status Conference. To participate via telephone, dial-in information may be accessed on the Court's website at <http://propulsid.laed.uscourts.gov/>.

**I. State Liaison Counsel/MDL Resolution Program II**

The enrollment requirements have been met for the State Settlement Program (Propulsid II). Defendants have requested that the PSC and SLC sign off on the Escrow Accounts. Defendants advise that at that point they are prepared to fund the various funds and have filed a Motion to Enforce the Settlement under seal. The parties will be prepared to discuss this further at the April 19, 2007 Monthly Status Conference.

**II. Trust Account**

There have been no deposits into the Trust Account since the last Status Conference.

**III. Trial Schedule**

The matter of *Gregory A. Gellner v. Johnson & Johnson, et al.* has been adjourned. No new date has been set.

**IV. MDL Mediation and Resolution Program**

The deadline for enrollment and the submission of Claim Forms for the First MDL Resolution Program has expired. The Special Master reports that there are over 15,000 claimants who enrolled, but did not submit claim forms. The DLC has advised that it will seek dismissal of claimants (except those granted extensions of time) and is discussing this issue further with the PSC.

The Special Master's office continues to review Claims Forms to determine if the Forms meet the qualifying criteria set forth in the Term Sheet. The Special Master's office advises that it will be submitting a Status Report to the Court in advance of the monthly status conference. The Special Master has notified the attorneys for the claimants that have deficiencies. The Special Master has advised that the final date to correct such deficiencies was March 30, 2007. The Special Master has advised that he will submit a Motion to Dismiss With Prejudice those claims that remain deficient of medical records.

Thus far, the Special Master has submitted 303 Tier I, II and III claims to the Medical Panel for review. Of the 303 claims the Defendants have treated 173 on an expedited basis. Six of the tiered claims submitted to the Panel have been found eligible by the Panel, and the Special Master has made those awards. Six tiered claims are still in review by the Panel. The Special

Master will report to the Court at the April 19, 2007 Monthly Status Conference regarding the current status of claim administration.

Defendants continue to submit a list of plaintiffs/claimants whose records have already been obtained by defendants in whole or in part, so when necessary, the parties, the Special Master and the attorneys for these plaintiffs/claimants can expedite the submission and review of the Claim Forms for these individuals.

The weekly telephone conference with the Special Master, PLC, DLC and SLC continues to take place to discuss a number of administrative issues germane to the Resolution Program.

The parties will be prepared to discuss these issues further at the April 19, 2007 Monthly Status Conference.

**V. Pro se Plaintiffs**

On January 3, 2007, this Court held a hearing on Defendants' Motion to Show Cause regarding pro ses who have not enrolled in the Settlement Program, at which time the Court ordered the non-enrolled pro se plaintiffs dismissed. Defendants have submitted a list of pro se plaintiffs to be dismissed to the SLC and PSC for final review, and responses have been provided. The parties will be prepared to report to the Court on this issue at the April 19, 2007 Monthly Status Conference.

**VI. Emergency Motion for Distribution of Attorney's Fees**

On November 23, 2005, the Court issued an Order and Reasons regarding the Emergency Motion for Distribution of Attorney's Fees with full reservation of rights to all attorneys who may claim any right to common fees and expense reimbursement. On December 5, 2005, Daniel E. Becnel filed a Motion to Reconsider the Motion. The September 27, 2006 hearing on said Motion has been continued.

On March 2, 2006 Dumas & Associates Law Corporation filed a Motion for Common Benefit Fees and Expenses Reimbursements. On April 4, 2006, the PLC filed a response to the motion. The hearing date has not been set.

**VII. Liaison's Counsel Motion for Equitable Administration of the Settlement Agreement**

On February 7, 2007, the PLC filed a Motion for Equitable Administration of the Settlement Agreement under Seal, which the Defendants have opposed. The matter was set for hearing on April 4, 2007, but was continued without date. The parties will be prepared to discuss this at the April 19, 2007 monthly status conference.

**VIII. *Patricia Barnes v. Janssen Pharmaceutica, Inc.* (CA No. 06-2001)**

On February 23, 2007, the Court issued an Order regarding Plaintiffs' renewal of a Motion for Remand. The Motion for Remand was set for hearing on March 28, 2007, and the parties await a ruling.

Respectfully submitted,

/s/ RUSS M. HERMAN

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**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 53 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 in accord with the procedures established in MDL 1657, on this 17<sup>th</sup> day of April, 2007.

/s/ Leonard A. Davis

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**Monthly Status Conference**  
**April 19, 2007- 9:00 a.m.**

**AGENDA**

**Current Matters:**

1. State Liaison Counsel
2. Trust Account
3. Trial Schedule
4. MDL Mediation & Resolution Program
5. Pro Se Plaintiffs
6. Emergency Motion for Distribution of Attorney's Fees
7. Liaison's Counsel Motion for Equitable Administration of the Settlement Agreement
8. *Patricia Barnes v. Janssen Pharmaceutica, Inc.* (CA No. 06-2001)