



### **III. 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. On June 11, 2007, the Special Master filed an Ex Parte/Consent Amended Motion to Dismiss With Prejudice those claims that remain deficient of medical records. The Court granted the Order.

Thus far, the Special Master has submitted 707 Tier I, II and III claims to the Medical Panel for review. Of the 707 claims the Defendants have treated 557 on an expedited basis. Six (6) of the tiered claims submitted to the Panel have been found eligible by the Panel, and the Special Master has made those awards. One hundred sixteen (116) tiered claims are still in review by the Panel, 114 of which are considered expedited by the Defendants. 585 have not been found to be eligible. The Special Master will report to the Court 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 June 27, 2007 Monthly Status Conference.

**IV. Pro se Plaintiffs**

On January 3, 2007, this Court held a hearing on Defendants' Motion to Show Cause regarding pro se plaintiffs 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, which appear to contain an accurate list of pro se plaintiffs subject to the motion. The parties will be prepared to report to the Court on this issue at the June 27, 2007 Monthly Status Conference.

**V. 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 matter has been reset for hearing on August 29, 2007 at 9:00 a.m.

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.

**VI. 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. Defendants filed a Motion for Judicial Declaration regarding Propulsid II under seal on March 13, 2007, which has also been continued without date. Numerous discussions have taken place between the parties, as well as with Special Master Juneau. The parties will be prepared to discuss this at the June 27, 2007 monthly status conference.

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

On June 5, 2007, the Court issued an Order denying Plaintiffs' renewal of a Motion for Remand. This matter can be removed from the agenda.

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**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 55 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 26<sup>nd</sup> day of June, 2007.

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

<b>IN RE:PROPULSID</b>	:	<b>MDL NO. 1335</b>
<b>PRODUCTS LIABILITY LITIGATION</b>	:	<b>SECTION: L</b>
	:	<b>JUDGE FALLON</b>
	:	<b>MAG. WELLS ROBY</b>
<b>THIS DOCUMENT RELATES TO</b>	:	
<b>ALL CASES</b>	:	
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**Monthly Status Conference**  
**June 27, 2007- 9:00 a.m.**

**AGENDA**

**Current Matters:**

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