

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

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

**JOINT REPORT NO. 93 OF PLAINTIFFS'  
AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 93 in preparation of the November 3, 2011 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 Programs I and II are nearing an end. All qualified tiered claims have been submitted to the Medical Panel in both programs. In addition, the Special Master's Office is finalizing the clearance of any remaining administrative claims in both programs.

Pursuant to Section 23 of the Amendment to the Term Sheet, several plaintiffs requested a second review of the decisions rendered by the Medical Panel in their cases. 21 of those requests have been granted and submitted to the Medical Panel for a second review. The balance has been denied a second review.

**II. Distribution of MDL Settlement Funds**

On November 30, 2009, the Court issued an Order granting Joint Motion for an Order authorizing Distribution of MDL I Settlement Funds which authorized the transfer of \$8.75 million (Canadian) from the Settlement Fund of the MDL I Propulsid Resolution Program Fund to the Propulsid Resolution Program and further authorized a distribution in the same amount for appropriate contributions to charitable organizations.

On October 26, 2011, the parties brought before the Court a Joint Petition to Distribute the Charitable Fund, which the Court granted on the same day. [Rec. Doc. 4406, 10/26/11]. Defendants are coordinating the release of the money from Deutsche Bank to Louisiana Health Public Initiative (LPHI).

**III. Attorneys' Fees Issues**

The PSC will be filing a motion and the Court will address the attorney fees issue at a later date.

**IV. Motions to Dismiss**

Defendants are preparing Rules to Show Cause to Dismiss Plaintiff who did not qualify, who did not enroll and who failed to prosecute their claims. Defendants are also preparing Motions to Dismiss as to plaintiffs whose claims have been paid and as to plaintiffs whose claims were ineligible for payment. The Defendants and Special Master are coordinating the lists for each filing to ensure that the dismissals reflect claims that should be dismissed. The

parties will be prepared to discuss this further at the November 3, 2011 hearing.

Respectfully submitted,

/s/ Monique M. Garsaud

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**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 93 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 1st day of November, 2011.

/s/Monique M. Garsaud

