

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

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

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**JOINT REPORT NO. 58 OF  
PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL**

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 58 in preparation of the September 27, 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). Escrow Agreements have been executed and Defendants have funded the various funds. The parties have set the deadlines for submission of enrollment and claim forms and notices have been posted on the Court's website. The parties will be prepared to discuss this further at the September 27, 2007 Monthly Status Conference.

**II. Trust Account**

No deposits have been made into the Trust Account since the last Status Conference.

**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 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 for submission to the Medical Panel 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 continues to notify the attorneys for the claimants that have deficiencies. Thus far, the Special Master has submitted 990 Tier I, II and III claims to the Medical Panel for review. Of the 990 claims the Defendants have treated 815 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. Eighty-nine (89) tiered claims are still in review by the Panel, 79 of which are considered expedited by the Defendants. The Special Master will report to the Court regarding the current status of claim administration.

The PSC has approved the selection of Defendants' proposed new panel member, Dr. Rishi Anand. The PSC has proposed Dr. David E. Good, whose credentials Defendants are reviewing. The parties will be prepared to discuss this further at the September 27, 2007 Monthly Status Conference.

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 September 27, 2007 Monthly Status Conference.

**IV. Pro se Plaintiffs**

This item may be removed from the Agenda.

**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 November 7, 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 Defendants opposed. Defendants filed a Motion for Judicial Declaration regarding Propulsid II under seal on March 13, 2007, which was also continued without date. The parties have withdrawn their Motions with a reservation of rights to reassert their positions if necessary.

**VII. Supplemental Agreement re Propulsid I and II**

The parties reached an agreement, which is set forth in a "Supplemental Agreement re Propulsid MDL 1 and 2" and August 30, 2007 Notice re the same, that has been posted on the Court's website. The parties will be prepared to discuss this at the September 27, 2007 monthly status conference.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Joint Report No. 58 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 25<sup>th</sup> day of September 2007.

/s/ Monique M. Garsaud

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**UNITED STATES DISTRICT COURT  
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**IN RE:PROPULSID** : **MDL NO. 1335**  
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**Monthly Status Conference**  
**September 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. Supplemental Agreement re Propulsid I and II