

**MINUTE ENTRY
FALLON, J.
JANUARY 25, 2006**

**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

A pretrial status conference was held on this date in the courtroom of Judge Eldon E. Fallon. In attendance for Plaintiffs were Russ Herman, Arnold Levin, Carroll Ingram, Barry Hill, Dawn Barrios, Richard Arsenault, Jennifer Wilkinson, Stephen Murray, and Kevin Kliebert. In attendance for the Defendants were James Irwin, Chuck Preuss, Thomas Campion, and Monique Garsaud. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 45 of Plaintiffs' and Defendants' Liaison Counsel.

I. State Liaison Counsel

The Propulsid II Settlement Program is still in the beginning stages. Counsel have developed enrollment forms for the program, and a new page on the Court's Propulsid Web site will house all forms and announcements regarding the program. Two meetings have been arranged in February with state counsel to discuss the terms of the program and to encourage enrollment. Judge Fallon will be available by phone during these meetings. Counsel are drafting a motion which will conform the state cases to Pretrial Order 16, and to arrive at the appropriate assessment fee for the cases.

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 CtRmDep _____
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II. Service List of Attorneys

The parties provided the Court with an updated list of attorneys in the MDL case, as well as related state court cases, and pro se plaintiffs. Upon request of counsel, IT IS ORDERED that counsel in the future may only submit updates to the list, rather than a new list every month.

III. Trust Account

Since the last status conference, there has been no activity regarding the Trust Account.

IV. Trial Schedule

Currently, one case is set for trial in West Virginia in June 2006: *Gregory A. Gellner v. Johnson & Johnson Co., et al.*

V. MDL Mediation and Resolution Program

The deadline for enrollment in the Propulsid I Settlement Program has now passed. Since the last monthly status conference, the Special Master's Office continues to process claims. 7,687 cases have enrolled in the Settlement Program. This includes 419 Tier I cases, 3,243 Tier II and III cases, and 4,025 administrative cases. The medical panel continues to meet to review Tier I cases, and two cases have cleared the panel for approval of payment. Approximately \$318,000 has been paid in administrative claims, with several hundred more to be approved shortly.

The Special Master and Liaison Counsel have worked out a tentative agreement with the government regarding potential liens on any settlement proceeds. The agreement is in various stages of government approval, and the Court is closely monitoring its progress. Representatives from the government are to report to the Court next week regarding the status of the agreement.

VI. Pro se Plaintiffs

Liaison counsel have designed a plan for management of cases involving pro se plaintiffs from this point forward. Defendants have filed a Motion for Proposed Order to Show Cause which would require pro se plaintiffs to report to the Court about their intentions either to enroll in the Settlement Program or to proceed with trial of their cases, after these plaintiffs are properly noticed. In addition, counsel have filed a Joint Motion to Appoint a Curator to assist pro se plaintiffs in reviewing their options.

Counsel have agreed upon a short list of candidates for the Curator position. They will contact the candidates and report to the Court within the week regarding who should be appointed as Curator.

VII. Proposed Order to Reflect Dismissal of Certain Tolling Agreement Claimants

This Order is in final form and will be submitted to the Court today for the Judge's signature.

VIII. Motion for Clarification of August 12, 2005 Minute Entry

Carroll Ingram and Defendants continue to confer regarding resolution of the issues raised in this motion. No court action will be taken at this time.

IX. Proposed Order Approving a Wrongful Death Award Made by the Special Master in the MDL 1355 Settlement Program

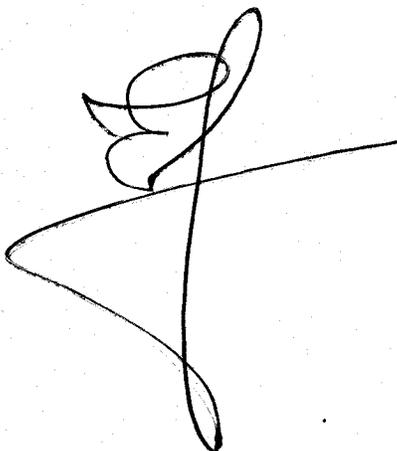
Counsel have prepared an order, affidavit, and motion that meets with Plaintiffs' and Defendants' approval, and these will be submitted to the Court shortly. These documents will be available for filing in state court if the laws of individual states so require.

X. Emergency Motion for Distribution of Attorney's Fees

On December 7, 2005, a Motion for Reconsideration regarding the November 23 distribution was filed by Daniel Becnel. This motion was continued to February 15, 2006. For the convenience of the Court and the parties, IT IS ORDERED that this motion is CONTINUED to March 9, 2006 at 9:00 a.m., the date of the next monthly status conference.

XIV. Next Pretrial Status Conference

The next status conference shall be held on Thursday, March 9, 2006, at 9:00 a.m.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.