

**MINUTE ENTRY
FALLON, J.
OCTOBER 11, 2012**

**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 Monthly Status Conference was held on this date by telephone in the Chambers of District Judge Eldon E. Fallon. At the conference, counsel reported to the Court on the topics set forth in Joint Report No. 98 of Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC). This conference was transcribed by Ms. Cathy Pepper, Official Court Reporter. Counsel may contact Ms. Pepper at (504) 589-7779 to request a copy of the transcript. A summary of the Monthly Status Conference follows.

I. MDL Resolution Programs I and II

MDL Resolution Program I is nearing an end, and MDL Resolution Program II is complete and was terminated by Order of the Court on October 3, 2012 [Rec. Doc. 4590]. In the Court's Order, all claims, plaintiffs, enrollees, and cases in MDL Resolution Program II were terminated and dismissed with prejudice. As to MDL I, the Special Master's Office is finalizing the clearance of the remaining administrative claims. Once the Special Master is finished clearing these claims, the Defendants shall file a Motion to Terminate the claims of all enrollees

in the MDL Resolution Program I as was done in MDL Resolution Program II.

II. Distribution of MDL Settlement Funds

On December 15, 2011, the Court issued an Order [Rec. Doc. 4425] on the Joint Motion and Order for Partial Disbursement of Settlement Funds to Defendant Johnson & Johnson granting the motion and disbursing \$40,000,000.00 out of the Settlement Fund in MDL I and \$5,000,000.00 out of the Settlement Fund in MDL II to Defendant Johnson & Johnson, and further ordered that if the Court at a later date determines that the Settlement Funds in the MDL I and/or MDL II are insufficient and additional funds are needed to satisfy any remaining claims, Johnson & Johnson shall return and replenish the settlement funds. Now that the MDL Resolution Program II has been terminated and pursuant to the Court's Order dated October 3, 2012 [Rec. Doc. 4590], the Defendants have requested the Special Master promptly return to Johnson & Johnson and Janssen Pharmaceuticals, Inc. the remaining balances in the Settlement and Administrative Funds for MDL II. Once MDL Resolution Program I is terminated and in compliance with the November 25, 2009 Order [Rec. Doc. 4013] , the parties shall request a return to the Defendants of the remaining balances in the Settlement and Administrative Funds for MDL I.

III. Attorney's Fees Issues

On March 15, 2012, the PSC filed a Motion for Distribution of Additional Attorney's Fees and Reimbursement of Costs (Re: MDL Settlement Program I) [Rec. Doc. 4465]. The matter was set for hearing, with oral argument, on April 25, 2012 [Rec. Doc. 4467]. On April 25, 2012, the Court issued an Order on the motion [Rec. Doc. 4497]. On August 1, 2012, Plaintiffs' Liaison Counsel, Russ M. Herman, filed a Motion for Distribution of Attorney's Fees (Re: MDL Settlement Program II) [Rec. Doc. 4540]. A hearing on the motion was conducted on

August 22, 2012, and the Court issued an Order on August 22, 2012 granting the motion [Rec. Doc. 4556].

IV. Motions to Dismiss

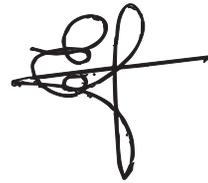
Defendants continue to file Motions to Dismiss and Stipulations of Dismissals, and thousands of plaintiffs have been dismissed and/or terminated from the Court's docket over the last several months. The Defendants' motions cover the following categories: claims which have been processed and paid; claims which were ineligible for payment; plaintiffs who failed to prosecute their claims; claims which did not qualify for the Resolution Programs; and/or plaintiffs who did not enroll in the Resolution Programs. Approximately nine (9) plaintiffs remain on the Court's docket and are awaiting processing from the Special Master and/or Curator so that additional motions to dismiss may be filed and the MDL Resolution Program I may be terminated. The goal of undersigned counsel and the Special Master is to have all the remaining claims processed and dismissed as soon as possible, and the parties and the Special Master are working diligently toward that goal.

V. Next Status Conference

The next status conference will be held by telephone on December 6, 2012 at 1:30 p.m. (CT). Parties may participate by following these steps:

1. Dial 877-336-1839.
2. Once you are connected, enter access code 4227405. You may be put on hold until the host (the Court) activates the call.
3. Once the call is activated, enter participant security code 12612 followed by the pound (#) key.

4. Finally, you will be given the option to accept or re-enter the participant security code before you are entered into the call.

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