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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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

JOINT REPORT NO. 42 OF
PLAINTIFFS' AND DEFENDANTS' LIAISON COUNSEL

Plaintiffs' Liaison Counsel (PLC) and Defendants' Liaison Counsel (DLC) jointly submit this Joint Report No. 42.

I. State Liaison Counsel (Minute Entry, November 16, 2000)

The State Liaison Committee continues to communicate with the DLC and PLC regarding the status of the remaining state court cases. The Defendants have supplied the PSC and SLC with a list of potential plaintiffs and claimants who may qualify for a potential second settlement program. The parties will report to the Court regarding these efforts at the August 23, 2005 Monthly Status Conference.

II. Service List of Attorneys

The parties will present the Court with the most current Master List of all Counsel and pro se plaintiffs, which will contain, where available, e-mail addresses.

III. Trust Account

Since the last status conference, there has been no activity with respect to the Trust Account.

IV. Trial Schedule

On August 10, 2005 Defendants provided PLC with an updated trial list. The matter of *Marion T. Bucaria for the Estate of Thomas Bucaria v. Johnson & Johnson Co.*, et al, #04-1277, remains on this Court's trial docket for February 6, 2006. The Court has set a schedule for pretrial activities and discovery has been proceeding in this case. Per the Court's Scheduling Order, on July 29, 2005, plaintiff produced expert reports.

V. Pharmacy Indemnity Agreements

There have been no pharmacy indemnity agreements executed by defendants since the last Status Conference. DLC will continue to furnish copies of all MDL pharmacy indemnity agreements if and when they are executed.

VI. MDL Mediation and Resolution Program

The enrollment process is continuing and claim forms are being submitted to the Special Master. On July 18, 2005, the parties executed a Joint Notice Extending the Time Period To File Claim Forms. For those enrollees who served an enrollment form on or before April 13, 2005, the time period in which to submit claim forms has been extended 60 (sixty) days or until October 10, 2005. The 120-day period to submit claim forms, as prescribed by the Term Sheet, remains in effect as to those claimants who enrolled after April 13, 2005.

On June 22, 2005, a Joint Motion for the Entry of an Order Approving the Parties Stipulation Respecting the MDL Resolution Program As to the Use of a Medical Records Reimbursement Form was filed with the Court and approved by the Court. The form is available

on the Court's website. The Special Master advises that to date, over 1500 reimbursement forms have been submitted for processing.

On July 28, 2005, the parties and the Special Master met with the Court to hold a training session for the Medical Panel members. The training is complete and the Medical Panel is reviewing claims. The Special Master has made the first disbursements pursuant to Medical Records Reimbursement Forms.

The PLC and defendants continue to discuss a number of administrative issues germane to the Resolution Program. The weekly telephone conference with the Special Master, PLC and DLC continues to take place. The Special Master notifies the parties on a weekly basis of claimants whose claim forms have been submitted. The Special Master continues to review claim forms and medical records that are submitted and advises claimants' attorneys of any deficiencies and the status of such claims. The Special Master will notify the parties of commencement of the sixty (60) day period identified in Section 13(A) and (B) of the Term Sheet for submission of the memoranda or one (1) page summary.

The parties will be prepared to discuss these issues further at the August 23, 2005 Monthly Status Conference.

VII. Daubert Motions

Defendants have filed Motions for Summary Judgment in the matters of *James T. Crum v. Johnson & Johnson, et al*, #02-2447; *Margaret O. Henderson v. Johnson & Johnson, et al*, #02-2448; and *Janet Salyard v Johnson & Johnson, et al*, #02-2448. Defendants have noticed these Motions for hearing on September 28, 2005 with a request for oral argument.

VIII. Pro se Plaintiffs

On June 14, 2005, Defendants provided the PLC with a proposed Order setting forth procedures for notice to pro se plaintiffs and suggestions for how their cases should be managed from this point forward. Defendants await a reply. The parties will be prepared to discuss this at the August 23, 2005 Monthly Status Conference.

IX. Verilaw/Lexis Propulsid Litigation Migration

There have been no further difficulties with Lexis-Nexis File and Serve since last month's status conference.

X. Status of Remand Motions

There are no Motions to Remand pending at this time. This item may be removed from the Agenda.

XI. Proposed Remand Order

Defendants are finalizing the first draft of a global Remand Order as respects cases not submitted to the settlement process and will submit a draft to the PLC for review prior to next month's Status Conference.

XII. Preservation of Electronic Data

The parties have agreed tomodification of the preservation procedures that previously have been implemented by J&J. Defendants have drafted a Motion setting forth changes in procedures. Defendants await PSC's response to the draft Motion. The parties will be prepared to discuss this at the August 23, 2005 Monthly Status Conference.

XIII. Motion to Amend June 28 Order Re: Special Master

PLC has filed with the Court a Motion to Amend June 28, 2004 Order Pursuant to Federal Rule of Civil Procedure 53 Governing the Appointment of Special Master, Patrick Juneau, which the Court granted on July 20, 2005. This item may be removed from the agenda.

XIV. The *Lomax* Cases

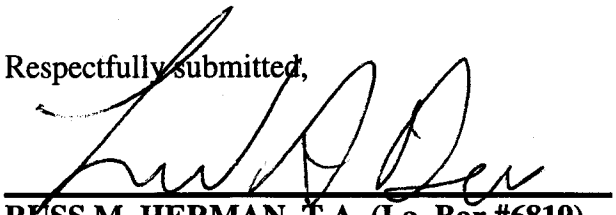
The cases of *Lomax, et al v. Janssen, et al,* 2:04-CV-00137SRO and *Lomax, et al v. Janssen Pharmaceutica, Inc., et al*, 2:05-00084 were consolidated on June 27, 2005. This matter may be removed from the agenda.

NEW ITEMS

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

The parties are discussing an appropriate dismissal order to submit to the Court for the Court's consideration. Tolling agreement claimants who are not awarded compensation and those persons whose claims are covered by Medical Records Reimbursements will be the subject of the dismissal order.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Report No. 42 of Plaintiffs' and Defendants' Liaison Counsel was served on Plaintiffs' Liaison Counsel by hand and e-mail and by e-service to all parties by uploading same to LexisNexis, on this 19th day of August 2005.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

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	:	**MAG. WELLS ROBY**
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	:	

Monthly Status Conference
August 23, 2005- 9:00 a.m.

AGENDA

Current Matters:

1. State Liaison Counsel
2. Service List of Attorneys
3. Trust Account
4. Trial Schedule
5. Pharmacy Indemnity Agreements
6. MDL Mediation & Resolution Program
7. Daubert Motions
8. Pro Se Plaintiffs
9. Verilaw/Lexis Propulsid Litigation Migration
10. Remand Motions
11. Proposed Remand Order

12. Preservation of Electronic Data

13. Motion to Amend June 28 Order Re: Special Master

14. The *Lomax* Cases

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