

FOURTEENTH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU
STATE OF LOUISIANA

SKYE TAYLOR, MAUREEN : DOCKET NUMBER: 2007-004415
LEJEUNE, MICHEL KOONCE :
HIRSCH, BERTHAN COLLINS- :
AUZENNE, JONI THORNTON, : DIVISION: A
AND JAMIE THORNTON, :
INDIVIDUALLY AND ON :
BEHALF OF ALL PUTATIVE :
MEMBERS OF THE :
SETTLEMENT CLASS :
:
VERSUS :
:
:
PETER RAYMOND LAFURIA, :
M.D., ET AL :

SECOND INTERIM REPORT OF SPECIAL MASTER
AND MOTION TO ESTABLISH PROCEDURE FOR LATE FILED CLAIMS

NOW INTO COURT comes Gerald H. Schiff ("Special Master"), the duly appointed and acting special master in this proceeding, who, with respect, makes this his Second Interim Report, and, in addition, moves the court to establish a procedure for dealing with late-filed claims:

I.

In his First Interim Report, the Special Master advised the court that 588 members of the class timely filed Proof of Claim Forms ("Claim Forms") with the Claims Office maintained by the Special Master.

II.

The court was also advised that subsequent to the original bar date of November 24, 2007, several persons contacted the Claims Office by telephone requesting permission to file claims.

III.

At the fairness hearing held on December 14, 2007, the Court directed the Special Master to accept as timely filed claims by persons who did in fact contact the Claims Office on or before December 14, 2007 ("Bar Date"). The Special Master has complied with this direction. There are now 597 Claim Forms deemed timely filed.

IV.

Since December 14, 2007, approximately 33 additional persons have contacted the Claims Office seeking permission to file claims. The Claims Office has followed the same procedure as before, namely, logging in the name, address and phone number of the person requesting permission to file a claim, and advising them that the Special Master could not accept the claim unless directed to do so by the Court.

V.

In order to address this issue, the Special Master makes the following recommendation to the Court.

(A) The Special Master should be directed to allow any person requesting permission to file a claim in this proceeding to do so.

(B) In addition to the Claim Form which has been utilized by the Special Master, each such person should be ordered to attach an affidavit to the Claim Form stating with specificity why the claim was not filed on or before December 14, 2007.

(C) The Special Master shall then review each such Claim Form and affidavit and make a recommendation to the Court with respect to each such claim.

(D) In the event the Special Master recommends that a claim be disallowed, the Special Master will notify that claimant in writing of such recommendation. Attached as Exhibit A is the form of the Notice which the Special Master will use. The claimant then shall have fifteen (15) calendar days from receipt of the Notice to submit a written request to the Special Master, objecting to the recommendation, and requesting a hearing before the Court.

(E) In the event the Special Master's recommendation is to accept the claim, the Court may enter an *ex parte* order allowing the claim without further hearing.

(F) In those instances where the Special Master's recommendation is to deny the claim:

(1) if a written request for a hearing is not timely submitted to the Special Master, the Special Master may present an *ex parte* order to the Court sustaining the Special Master's recommendation denying the claim without further hearing.

(2) if a written request for hearing is timely submitted to the Special Master, the Special Master will obtain a hearing

date from the Court and notify such claimant in writing of the hearing date.

WHEREFORE, the Special Master prays for the entry of an Order approving the procedure set forth in Paragraph V hereinabove, including approving the form of the Notice attached as Exhibit A, and for such other relief to which the Special Master may be entitled.

Respectfully submitted,



Gerald H. Schiff
Special Master
400 East Kaliste Saloom Road
Suite 4200
Lafayette, LA 70508

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:
VERSUS :
:
PETER RAYMOND LAFURIA, :
M.D., ET AL :

NOTICE

TO:

YOU ARE HEREBY GIVEN NOTICE:

Pursuant to an Order of the Hon. H. Kent Savoie, Judge, 14th Judicial District Court, a copy of which is attached to this Notice, you may contact Ms. Torrie Smith at (337)494-1900, in the Claims Office maintained by the Special Master, for the purpose of filing a claim in this proceeding.

In addition to the standard Claim Form which has been utilized in this proceeding, you are required to execute an affidavit setting forth the reason why you did not file your claim on or before December 14, 2007. Failure to attach this affidavit will result in your claim being denied without further proceeding.



The Special Master will then review your Claim Form and affidavit and will make a recommendation to Judge Savoie with respect to the timeliness of your claim.

In the event the Special Master recommends that your claim be deemed to have been timely filed, there will be no hearing and the Court will enter an Order deeming your claim timely filed. This is not a determination of the merits of your claim, only that it has been timely filed.

In the event the Special Master recommends that your claim be denied, the Special Master will notify you in writing of such recommendation. You shall have fifteen (15) days from receipt of that notice to submit a written request to the Special Master, objecting to the recommendation, and requesting a hearing before the Court. The Special Master will then request that the Court fix the matter for hearing. You will receive written notice of the date, time and place of the hearing.

Gerald H. Schiff
Special Master
400 East Kaliste Saloom Road
Suite 4200
Lafayette, LA 70508

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the SECOND INTERIM REPORT OF SPECIAL MASTER AND MOTION TO ESTABLISH PROCEDURE FOR LATE FILED CLAIMS has been placed in the United States Mail, postage prepaid and properly addressed, to the following:

Mr. Ronald C. Richard
Attorney at Law
Richard Law Firm
Suite 1080
One Lakeshore Drive
Lake Charles, LA 70629

Mr. H. Kent Aguillard
Attorney at Law
P. O. Drawer 391
Eunice, LA 70535

Mr. Kenneth H. Hooks, III
Dodson Hooks & Frederick
Attorneys at Law
One Maritime Centre
17405 Perkins Road
Baton Rouge, LA 70810

Mr. Arthur A. Vingiglio
Attorney at Law
3029 Sherwood Blvd #100
Baton Rouge, LA 70816


Mr. Michael A. Crawford
Taylor, Porter, Brooks &
Phillips, L.L.P.
Attorneys at Law
P. O. Box 2471
Baton Rouge, LA 70821-2471

Ms. C. A. Guilbeaux
Guilbeaux Law Firm, LLC
1215 Common Street
Lake Charles, LA 70601

Mr. Rick J. Norman
Attorney at Law
145 East Street
Lake Charles, LA 70601

Mr. Lawrence Gettys
Brent Coon & Associates
Attorneys at Law
17405 Perkins Road
Baton Rouge, LA 70810

Lafayette, Louisiana, this 18th day of January, 2008.



Gerald H. Schiff
Special Master
400 East Kaliste Saloom Road
Suite 4200
Lafayette, LA 70508

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ORDER

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The Court has before it the SECOND INTERIM REPORT OF SPECIAL MASTER AND MOTION TO ESTABLISH PROCEDURE FOR LATE FILED CLAIMS

("Report and Motion") filed by Gerald H. Schiff, the Special Master in this proceeding. It appearing proper in the premises,

IT IS ORDERED:

(A) The Special Master is directed to allow any person requesting permission to file a claim in this proceeding to do so.

(B) In addition to the Claim Form which has been utilized by the Special Master, each such person shall attach an affidavit to the Claim Form stating with specificity why the claim was not filed

on or before December 14, 2007. In the event no affidavit is attached to the Claim Form, the Special Master's recommendation that the claim be disallowed will be approved without further proceedings.

(C) The Special Master shall then review each such Claim Form and affidavit and make a recommendation to the Court with respect to each such claim.

(D) In the event the Special Master recommends that a claim be disallowed, the Special Master will notify that claimant in writing of such recommendation. The claimant then shall have fifteen (15) days from receipt of the Notice to submit a written request to the Special Master, objecting to the recommendation, and requesting a hearing before the Court.

(E) In the event the Special Master's recommendation is to accept the claim as timely filed, the Court may enter an *ex parte* order deeming the claim as timely filed without further hearing.

(F) In those instances where the Special Master's recommendation is to deny the claim:

(1) if a written request for a hearing is not timely submitted to the Special Master, or if no affidavit is attached to the Claim Form, the Special Master may submit an *ex parte* order to the Court sustaining the Special Master's recommendation and denying the claim without further hearing.

(2) if a written request for hearing is timely submitted to the Special Master, the Special Master will obtain a

hearing date from the Court and notify such claimant in writing of the hearing date.

IT IS FURTHER ORDERED that the form of Notice attached to the Report and Motion as Exhibit A is **APPROVED**.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on this ___ day of January, 2008.

H. Kent Savoie
District Judge