

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA,
ATLANTA DIVISION

IN RE CONAGRA PEANUT BUTTER	:	Civil Action No.
PRODUCTS LIABILITY LITIGATION	:	1:07-md-1845 TWT
	:	ALL CASES

**CONSENT ORDER AUTHORIZING FINAL DISBURSEMENT FROM
COMMON BENEFIT FUND ACCOUNT**

Pursuant to this Court's Order of April 7, 2009 [Document 703,] a Common Benefit Fund for recovery of costs has been established. The balance of the Common Benefit Fund as of July 31, 2014, is \$33,983.53. To date, the court has permitted five (5) prior incremental distributions from the Common Benefit Fund.

As previously noted, Lead and Liaison Counsel and other members of the Plaintiffs' Executive Committee have expended far more in out-of-pocket costs for the common benefit of Plaintiffs than was ever deposited into the Common Benefit Fund. Moreover, Liaison Counsel has expended literally hundreds of hours of time in administration of this matter for the benefit of Plaintiffs and the Court, time expended both by Liaison Counsel himself and by staff paid by his law firm, not counting additional common benefit legal work performed on behalf of Plaintiffs.

In that there is only one (1) remaining pending action subject to the Court's Common Benefit Fund Order and given the ongoing costs associated with

maintaining the fund, Liaison Counsel requests a final distribution from the Common Benefit Fund to refund some of the remaining outstanding expenses, specifically including, but not limited to, reimbursement of a portion of the administrative hours with which the Court is well-familiar, and ConAgra has agreed that such distribution would be appropriate. Specifically, Plaintiffs' Counsel have requested a partial reimbursement to McCamy, Phillips, Tuggle & Fordham, LLP, of the balance remaining in the Common Benefit Fund as of the date of this Order and further that such account should thereafter be closed.

Based upon this Court's knowledge of the contributions of Plaintiffs' Counsel in this case and based upon the record in this matter, it is therefore hereby ORDERED that the Common Benefit Fund shall be distributed as requested. Plaintiffs' Liaison Counsel shall additionally be authorized by this Order, to pay over any reasonable and customary bank charges, if any, associated with such payment and to close said account without further Order of this Court. No party shall have any further duty hereafter with respect to the Court's Common Benefit Order of April 7, 2009 [Document 703.]

Entered this 15th day of August, 2014.

/s/Thomas W. Thrash
JUDGE THOMAS W. THRASH, JR.

Submitted by:

/s/ Robert H. Smalley, III

Robert H. Smalley, III
McCamy, Phillips, Tuggle & Fordham, LLP
Georgia Bar No. 653405
P.O. Box 1105
Dalton, Georgia 30722
(706) 278-4499 (Telephone)
(706) 278-5002 (Facsimile)
Plaintiffs' Liaison Counsel

/s/ James F. Neale

James F. Neale
VSB No. 43060
McGUIRE WOODS LLP
Court Square Building
310 Fourth Street, N.E., Suite 300
Post Office Box 1288
Charlottesville, Virginia 22902
(434) 977-2582
(434) 980-2263 (Facsimile)
Defendant's Liaison Counsel