

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

**Brandi Fuller, a minor by her parents** :  
**And natural guardians, John Fuller and** :  
**Abbie Fuller and in their own right** :

**Civil Action No.: 07-4708 (WJM)**


vs.

**Biomedical Tissue Services, Ltd., et al.** :

**CERTIFICATION OF COUNSEL IN  
SUPPORT OF PLAINTIFFS'  
APPLICATION REGARDING  
SETTLEMENT DISTRIBUTION,  
COUNSEL FEE AND COSTS**

I, Lawrence R. Cohan, Esquire, hereby certify to the following:

1. I am an attorney-at-law in the State of New Jersey admitted to practice before this Court and I am a partner at the law firm of Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C., attorneys for Plaintiffs in this matter.
2. I am familiar with the facts in this case and the facts contained in this Certification. This Certification is being submitted in support of Plaintiffs' Motion to Confirm Settlement Distribution and Counsel Fees.
3. This was a complex case involving the illegal harvesting and subsequent implantation of human tissue.
4. Counsel has incurred costs in connection with the litigation of this matter in the amount of \$3,214.20. (See Exhibit "A" Plaintiffs' Affidavit of Costs).
5. After years of highly contested litigation, plaintiffs' counsel was ultimately able to engage in lengthy and protracted settlement negotiations for several months. As a result


  
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of these settlement efforts, plaintiffs' counsel ultimately achieved a settlement in the gross amount of twenty thousand (\$20,000.00) dollars.

6. Minor-plaintiff Brandi Fuller has multiple medical conditions (see medical records at Exhibit "B"), and it is not asserted that the subject settlement compensates for those injuries, particularly in view of the fact that Plaintiff has not been able to support a finding of causation in this case.
7. Presently Plaintiffs' counsel seeks approval of the settlement distribution including a reduced attorney fee on all settlement proceeds as follows:

Gross Settlement:	\$20,000.00
MDL 6% Assessment	\$ 1,200.00
Litigation Costs	\$ 3,214.20
Reduced Fee at 5%	\$ 779.29
Net to John and Abbie Fuller:	\$14,806.51

8. Minor-plaintiff Brandi Fuller receives Medicaid benefits for her multiple medical conditions. Direct distribution of this small settlement to her would abrogate her entitlement to medical care for at least one month. However, because Brandi Fuller is enrolled in a Medicaid waiver program, her parents' assets are not counted when considering her eligibility. Therefore, plaintiff and defense counsel have agreed to allocate settlement proceeds to reimburse the parent-plaintiff for their out of pocket expenses, and for their loss of consortium claim which is part of the compensable claim made in this case. Counsel and plaintiffs agree that the proposed distribution is in the best interests of minor-plaintiff. See Affidavits of John and Abbie Fuller attached hereto as Exhibit "C".



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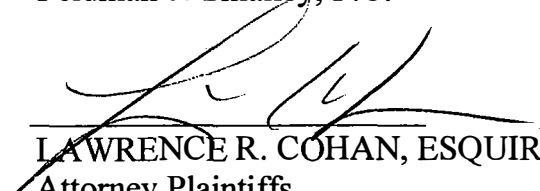
9. The original contingency fee agreement executed by plaintiffs in this matter fully comports with the governing New Jersey Fee Statute, and has been substantially reduced by plaintiff's counsel to five (5%) percent.
10. Plaintiffs John Fuller and Abbie Fuller on behalf of themselves, and Brandi Fuller, have reviewed this petition and have consented to the requested allocation of the counsel fee on all net settlement proceeds. (See Exhibit "C", Affidavits of John Fuller and Abbie Fuller.)
11. Plaintiffs John and Abbie Fuller have ongoing expenses for Brandi, dedicate much of their time to meet Brandi's needs, and intend to use the proceeds of this settlement to pay for "uncovered" bills on Brandi's behalf.
12. Based upon the forgoing, plaintiffs' counsel requests this Honorable Court to enter the proposed Order attached hereto.

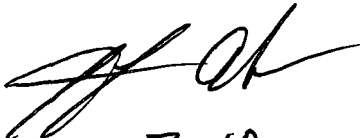
I hereby certify the forgoing statements made by me are true. I am aware that any of the forgoing statements made by me are willfully false I am subject to punishment.

Respectfully submitted,

Anapol, Schwartz, Weiss, Cohan,  
Feldman & Smalley, P.C.

By:

  
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