

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: GADOLINUM BASED
CONTRAST AGENTS PRODUCTS
LIABILITY LITIGATION

Case No. 1:08 GD 50000

MDLNo.1909

Judge Dan Aaron Polster

This Document Applies to All Cases:

Order Setting Procedure to Disburse Common Benefit Expense Funds

The Court has been informed that there remains unused funds in the Common Benefit Expense Fund in the amount of \$581,219.20 and that there are no further applications by counsel seeking reimbursement from the Fund.

The Court recognizes that these funds belong to plaintiffs whose cases were filed in the MDL and who were assessed 1% of their settlement for payment to the Fund or whose cases were filed outside the MDL but were charged with this assessment.

The Court hereby establishes the following protocol to insure that funds are returned to the plaintiffs on a pro-rata basis.

The Court orders that the three defendants who made payments into the Common Benefit Expense Fund provide the Fund administrator, Greggory Dantio, with a list of the names of all plaintiffs, the names of the plaintiffs' lawyer or law firm, and the amount paid into the Common Benefit Expense Fund attributable to each plaintiff. In providing this information to Mr. Dantio, the defendants are ordered to organize the information by lawyer or law firm name so that each lawyer or law firm name has a corresponding list of that lawyer or law firm's clients. This information shall be provided to Mr. Dantio by said defendants on a confidential basis and Mr. Dantio is ordered to

treat the information as such and not disclose the information to anyone except as necessary in his communication with PNC Bank to facilitate the carrying out of this order.

The Court orders that Mr. Dantio shall compute what each plaintiff is entitled to be paid from the Fund on a pro-rata basis and shall direct PNC Bank to issue a check to each lawyer or law firm for the funds owed to the lawyer or law firm's clients.

The Court orders the plaintiffs' lawyer or law firm to deposit said funds into a trust account and then to issue the checks representing each plaintiff's pro-rata share from said account to the individual plaintiffs.

The Court orders that Mr. Dantio present to the court a cost bill for his firm's costs associated with this process together with an estimate of other costs, such as those of PNC Bank, required to carry out this Order, and subject to the Court's review and approval of same, this Court orders that said costs first be paid before the pro-rata distribution to the plaintiffs herein ordered.

10/9/13
Date

/s/Dan Aaron Polster
The Honorable Dan Aaron Polster