

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: FRESENIUS
GRANUFLO/NATURALYTE
DIALYSATE PRODUCTS
LIABILITY LITIGATION

MDL No. 1:13-md-2428-DPW

This Document Relates to:

All Cases

PROPOSED CASE MANAGEMENT ORDER NO. ____
(Modifying Case Management Order No. 14)

ORDER AUTHORIZING 4% HOLD-BACK FROM SETTLEMENT FUND FOR
POTENTIAL REIMBURSEMENT OF COMMON BENEFIT EXPENSES

1. On August 8, 2016, the GCL Leadership, defined in CMO 14 as the PEC in this MDL and the Mass-PSC for the Massachusetts GranuFlo State Litigation, filed a Motion To Modify CMO14 Relating To The Percentage Holdback To Be Paid Into The *Granuflo Mdl 2428 Common Benefit Account*, requesting that the holdback for common benefit expenses of 2% of the gross settlement proceeds, provided for in ¶ 38 of CMO 14, be increased to 4%. This results in a total holdback of 11%, instead of 9%, for common benefit expenses and fees. See CMO 14 ¶ 38.
2. The Court is satisfied that it is sensible to allow the motion and permit the additional holdback amount before the distribution of settlement proceeds. This Order, however, in no way approves the amount of total or individual common benefit expenses to be reimbursed to participating counsel; nor does this Order authorize distribution of any portion of the holdback funds for expenses or fees, which is prohibited by the terms of CMO 14 until such time as the Court

authorizes distribution after consideration of one or more Joint Petitions requesting reimbursement of expenses and/or an award of fees. See CMO 14 ¶¶ 28 & 65.

3. This Court retains jurisdiction over any Common Benefit Award; and in furtherance of state-federal cooperation, this Court may seek input from state court judges, including the coordinating judge in Massachusetts.

IT IS SO ORDERED.

Dated: _____

DOUGLAS P. WOODLOCK,
UNITED STATES DISTRICT JUDGE