

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: PORSCHE CARS NORTH AMERICA, INC. PLASTIC COOLANT TUBES PRODUCTS LIABILITY LITIGATION	Case No. 2:11-md-2233
This Document Relates to: ALL ACTIONS	Judge Gregory L. Frost
	Magistrate Judge Preston-Deavers

PLAINTIFFS' SUPPLEMENTAL APPLICATION FOR REIMBURSEMENT OF COSTS, EXPENSES, AND NAMED PLAINTIFFS' SERVICE PAYMENTS

On January 20, 2014, Plaintiffs' Counsel submitted their Application for Attorneys' Fees, Costs, Expenses, and Named Plaintiffs' Service Payments. *See* Docket No. 152. In that Application, Plaintiffs' Counsel sought reimbursement of \$131,299.78, plus \$5,000 service payments¹ for each of the 20 named Plaintiffs, or a total of \$231,299.78. *Id.* That amount included costs incurred through January 15, 2014. Since January 16, 2014, Plaintiffs' counsel has incurred \$6,533.11 in additional costs. In the Settlement Agreement, Defendant Porsche Cars North America, Inc. ("PCNA") agreed to pay up to \$250,000 to cover litigation costs and service payments.

On March 10, 2014, this Court issued an Order (Docket No. 176) approving the parties' amendment to the settlement agreement and instructing the parties to send out a reminder notice to class members. The estimated cost of mailing the reminder notice is \$52,000, and the parties have agreed to share the cost of the reminder notice's mailing with Plaintiffs' total contribution to not exceed \$26,000. In agreeing to share the cost of that notice, the parties further agreed that PCNA would provide a credit to Plaintiffs' counsel for their portion of additional mailing cost.

¹ This supplemental application does not change the amount of the requested service payments to the Named Plaintiffs from those requested in the January 20, 2014, Application.

The credit will be equal to the difference between Plaintiffs' actual costs to date and the total amount awarded by the Court, up to the amount PCNA agreed to pay in the settlement (\$250,000) in costs and service payments to the named Plaintiffs.

In total, Plaintiffs' counsel will incur more than \$150,000 in expenses in this litigation. However, Plaintiffs' counsel is only requesting reimbursement of \$150,000 in costs and expenses, plus \$100,000 in service payments to the named Plaintiffs that was requested in the January 20, 2014, Application (see Docket No. 152, § IV.C., pp. 18-19). Any costs incurred beyond \$150,000 (including the uncredited portion of the cost of the mailing of the reminder notice) will be borne by Plaintiffs' Class Counsel and Executive Committee, not the class.

The following chart explains the costs being requested:²

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Litigation Costs through January 15, 2014	\$ 131,299.78
Litigation Costs from January 16, 2014, through March 10, 2014	\$ 6,533.11
Amount Remaining in Plaintiffs' Litigation Fund	\$ (1,543.00)
Total Litigation Costs through March 10, 2014	\$ 136,289.89
Credit for Plaintiffs' Portion of Shared Costs of Supplemental Mailing	\$ 13,710.11
Total Litigation Costs	\$ 150,000.00
Requested Service Payments to Named Plaintiffs	\$ 100,000.00
TOTAL COSTS AND SERVICE PAYMENTS REQUESTED	\$ 250,000.00

² When the litigation was consolidated, Plaintiffs' Class Counsel and the Executive Committee contributed money to a litigation fund that was maintained by the Wolf Haldenstein law firm. Some funds remained in this litigation fund when Adam Levitt left the Wolf Haldenstein firm and the Court substituted Grant & Eisenhofer as interim co-lead counsel. These contributions were included as part of Plaintiffs' counsel's costs in Plaintiffs' prior submission to the Court. The litigation fund currently has a balance of \$1,543.00 remaining. Plaintiffs' counsel subtracted this amount from their total costs, as reflected in the third row of the chart.

The supplemental costs were incurred by the following firms:

KLEIN KAVANAGH COSTELLO, LLP	\$1,631.68
COTCHETT, PITRE & MCCARTHY, LLP	\$1,645.77
ISAAC, WILES, BURKHOLDER & TEETOR, LLC	\$436.17
GRANT & EISENHOFER P.A.	\$783.57
KOHN, SWIFT & GRAF, P.C.	\$1,154.00
SCHLANGER & SCHLANGER, LLP	\$882.00
TOTAL	\$6,533.11

PCNA agreed in the settlement to pay the amount awarded by the Court up to \$250,000 for reimbursement of costs and expenses and for service payments to the named Plaintiffs. Based upon Plaintiffs' counsel's previous Application and this supplemental filing, Plaintiffs respectfully request the Court approve payment of costs in the amount of \$150,000 and service payments in the amount of \$100,000, in the amount of \$5,000 for each of the 20 named Plaintiffs.

Respectfully submitted,

Dated: March 17, 2014

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Plaintiffs' Executive Committee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was filed electronically filed via the Court's ECF system, on March 17, 2014. Notice of electronic filing will be sent to all parties by operation of the Court's electronic filing system. Parties not registered for electronic filing will receive a copy of this filing through First Class U.S. Mail. Parties may access this filing through the Court's system.

/s/ Mark H. Troutman

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ISAAC, WILES, BURKHOLDER & TEETOR, LLC

One of Plaintiffs' Class Counsel