

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:08-MD-01928-MIDDLEBROOKS/JOHNSON

IN RE TRASYLOL PRODUCTS)
LIABILITY LITIGATION – MDL-1928)

THIS DOCUMENT RELATES TO:)

ALL ACTIONS)

**DEFENDANTS’ RESPONSE TO PLAINTIFFS’
MOTION TO ESTABLISH COMMON BENEFIT FUND**

In response to plaintiffs’ Motion To Establish Common Benefit Fund, Defendants do not object to the creation of a common benefit fund for the purpose of compensating and reimbursing counsel for plaintiffs in this litigation. Defendants have concerns, however, regarding certain provisions in the proposed order submitted by plaintiffs and accordingly object to entry of the proposed order in its current form. Counsel for the parties have discussed these issues, will meet and confer further, and will report back to the Court on the status of these discussions on or before August 15, 2008.

DATED: August 4, 2008

Respectfully submitted,

/s/ Barbara Bolton Litten

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Barbara Bolton Litten

Barbara Bolton Litten

SERVICE LIST

**In re Trasylol Products Liability Litigation – MDL-1928
Case No. 08-MD-1928-MIDDLEBROOKS/JOHNSON**

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