

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

IN RE: BISPHENOL-A (BPA))
POLYCARBONATE PLASTIC)
PRODUCTS LIABILITY LITIGATION)
) **MDL No. 1967**
) **Master Case No. 4:08-1967-MD-W-ODS**
)
(this filing applies to ALL ACTIONS))
)

**PLAINTIFFS' NOTIFICATION OF PROPOSED ORGANIZATION
AND LEADERSHIP STRUCTURE**

Plaintiffs in the above-captioned action provide the following notice regarding their proposed leadership and organizational structure, agreed upon for this proceeding.¹ To the best of Plaintiffs' knowledge, this notification is submitted on behalf of all plaintiffs and plaintiffs' counsel (with the exception of the Law Offices of Robert H. Weiss, PLLC and Girardi & Keese (discussed more fully below), Gold & Coulson and the Zimmerman Law Office)² in the actions transferred to this Court by the Judicial Panel on Multi District Litigation by Order dated August 13, 2008 and the conditional transfer Orders dated August 25, 2008 and September 8, 2008 (the "BPA MDL").

These plaintiffs, through their respective counsel, have conferred and agree that the

¹ An index of cases associated with this application is attached hereto as Exhibit A.

² As of the time of this filing, the movant plaintiffs have been unable to reach the law firm of Gold and Coulson which represents the plaintiff in the action titled *Koch v. Avent America, Inc.*, No. 1:08-4395 (N.D. Ill.) (conditionally transferred by Order dated August 25, 2008). Further, the Zimmerman Law Office, P.C. has recently been contacted about the leadership structure but has not yet reached a decision. It should also be noted that the law firm of Finkelstein Thompson has filed an opposition to the conditional transfer order dated August 25, 2008 and, therefore, is not included in this submission.

following attorneys shall serve in the positions noted below with respect to this litigation:³

I. Plaintiffs' Co-Lead Counsel

Thomas V. Bender
Walters Bender Strohbehn & Vaughan, P.C.
2500 City Center Square
1100 Main Street
P.O. Box 26188
Kansas City, MO 64196
(816) 421-6620
(816) 421-4747 (Facsimile)

Edith M. Kallas
Whatley Drake & Kallas LLC
1540 Broadway, 37th Floor
New York, NY 10036
(212) 447-7070
(212) 447-7077 (Facsimile)

Position Duties

Lead counsel shall be generally responsible for coordinating the activities of plaintiffs during pretrial proceedings and shall:

(a) after such consultation with co-counsel as may be appropriate, determine and present to the Court and opposing parties (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) the position of the plaintiffs on all matters arising during pretrial proceedings;

(b) coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26, including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

(c) conduct settlement negotiations on behalf of plaintiffs, but not enter binding

³ Given the level of consent and support by almost all Plaintiffs for this proposed structure, Plaintiffs have not provided materials evidencing the background, experience and qualifications of Plaintiffs' counsel proposed for leadership positions as noted herein. However, should the Court request such materials, they will be promptly submitted for review.

agreements except to the extent expressly authorized;

(d) delegate tasks to other counsel or committees of counsel in a manner to ensure that pretrial preparation for the plaintiffs is conducted efficiently and effectively;

(e) enter into stipulations with opposing counsel as necessary for the conduct of the litigation;

(f) prepare and distribute periodic status reports to the parties;

(g) maintain adequate time and disbursement records covering services as lead counsel;

(h) monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and

(i) perform such other duties as may be incidental to proper coordination of plaintiffs' pretrial activities or authorized by further order of the court.

II. Plaintiffs' Liaison Counsel

Robert Horn
Horn Aylward & Bandy, LLC
2600 Grand Blvd, Suite 1100
Kansas City, MO 64108
(816) 421-0700
(816) 421-0899 (Facsimile)

Position Duties

Liaison counsel shall:

(a) maintain and distribute to co-counsel and to defendants' liaison counsel an up-to-date service list;

(b) receive and, as appropriate, distribute to co-counsel orders from the court and documents from opposing parties and counsel; and

(c) accept such documents as may be available at a document repository,

maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party.

III. Plaintiffs' Steering Committee

Plaintiffs also propose a five person Steering Committee comprised of attorneys who will assist in the advancement of the case. Four of the members of the Steering Committee have been agreed to by undersigned counsel, as follows:

Elizabeth A. Fegan
Hagens Berman Sobol Shapiro LLP
820 North Blvd., Suite B
Oak Park, Illinois 60301
(708) 776-5604
(708) 776-5601 (Facsimile)

Michael L. Hodges
Hodges Law Firm
13420 Santa Fe Trail Dr.
Lenexa , KS 66215
(913) 888-7100
(913) 888-7388 (Facsimile)

Lynn Lincoln Sarko
Keller Rohrback
1201 3rd Ave
Ste 3200
Seattle, WA 98101-3052
(206) 623-1900
(206) 623-3384 (Facsimile)

Brian R Strange
Strange & Carpenter
12100 Wilshire Boulevard 19th Fl
Los Angeles, CA 90025
(310) 207-5055
(310) 826-3210 (Facsimile)

In the interest of compromise, counsel for plaintiffs have agreed to an additional steering committee position to be filed by either Robert Weiss or Tom Girardi, who are presently counsel in certain litigation expected to be transferred to the BPA MDL. The undersigned

counsel for plaintiffs have agreed to the steering committee as presently constituted and proposed, with the understanding that if the identity of the fifth steering committee position is not resolved by October 6th, Mr. Weiss and Mr. Girardi may submit their separate applications to the Court for appointment to that position no later than October 12, 2008.

Position Duties

The Steering Committee will assist the Co-Lead Counsel to achieve a timely and efficient prosecution of the case, including responsibility for completing all discovery and related pre-trial activities, as well as contributing their expertise as to the various state laws involved in the underlying actions.

IV. Committees of Counsel

The Co-Lead Counsel and Steering Committee also intend to establish additional committees of counsel, as necessary, with the goal of utilizing expertise, promoting efficiency and avoiding duplication, including committees responsible for pleadings, offensive and defensive discovery and experts.

Respectfully Submitted,

**WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.**

By /s/ Thomas V. Bender

Thomas V. Bender, Mo. Bar #28099

2500 City Center Square

1100 Main Street

P.O. Box 26188

Kansas City, MO 64196

Telephone: (816) 421-6620

Fax: (816) 421-4747

tbender@wbsvlaw.com

PROPOSED CO-LEAD COUNSEL
FOR PLAINTIFFS

On behalf of the following plaintiffs:

**Tomeka Broadway, Bree Ginden and
Megan Thornberry**

On behalf of the following Co-Counsel:

Horn Aylward & Bandy, LLC

The Potts Law Firm LLC

Gill, Elrod, Ragon, Owen & Sherman

WHATLEY DRAKE & KALLAS, LLC

By /s/ Edith M. Kallas

Edith M. Kallas

1540 Broadway, 37th Floor

New York, NY 10036

Telephone: (212) 447-7070

Fax: (212) 447-7077

ekallas@wdklaw.com

PROPOSED CO-LEAD COUNSEL
FOR PLAINTIFFS

On behalf of the following plaintiffs:

**Plaintiffs Elizabeth Banse, Ashley Campbell,
Sharon Hatter, and Dale L. Raggio, Jr.**

On behalf of the following Co-Counsel:

Branstetter, Stranch & Jennings PLLC

**Futterman Howard Watkins Wylie & Ashley,
Chtd.**

**HAGENS BERMAN SOBOL
SHAPIRO LLP**

By /s/ Elizabeth A. Fegan
Elizabeth A. Fegan
820 North Blvd., Suite B
Oak Park, Illinois 60301
Telephone: (708) 776-5604
Fax: (708) 776-5601

On behalf of the following plaintiffs:
**Chloe Gale; Ruth Levine; Kathleen Gillespie;
Adam Ruben; Sarah Dijulio, Sarah Jaynes; Diane
Stoebe; Brynnen Ford**

On behalf of the following Co-Counsel:
Smith & Lowney, P.L.L.C.

HODGES LAW FIRM

By /s/ Michael L. Hodges
Michael L. Hodges
13420 Santa Fe Trail Dr.
Lenexa , KS 66215
Telephone: (913) 888-7100
Fax: (913) 888-7388
mikehodges@hodgeslawfirm.com

On behalf of the following plaintiffs:
**Maria Sullivan; Katherine Capita; Daniel Capita;
Jennifer Moellering; Rick Moellering, Zachary
Wilson; Carissa Wilson; Chris Mathia; Michelle
Mathia; Aisha Waiters; Michael C. Liem;
Michelle L. Liem; Staci Collier (as parent and
natural guardian of Bo and Caroline Collier);
Paige Engle (as parent and natural guardian of
Jack and Amelia Engle); Kelly and David
Johnson (as parents and natural guardians of
Henry Brian Johnson**

On behalf of the following Co-Counsel:

**Scharnhorst Ast & Kennard, P.C.
Albers Law Firm**

**LAW OFFICES OF HOWARD M.
RUBENSTEIN**

By /s/ Howard M. Rubenstein
914 Waters Avenue, Suite 20
Aspen, Colorado 81611
Telephone: (832) 715-2788

On behalf of the following plaintiffs:
Lani Felix-Lozano, Judith Thompson-Foster

On behalf of the following Co-Counsel:
**Hewell Law Firm, APC
Law Offices of Howard M. Rubenstein**

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send a notice of electronic filing to all persons registered for ECF as of that date.

 /s/ Thomas V. Bender