

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: PROPULSID PRODUCTS
LIABILITY LITIGATION**

MDL NO. 1355

**SECTION: L
JUDGE FALLON**

**This Document Relates to:
All cases**

**ZIMMERMAN REED P.L.L.P.'S RESPONSE IN PARTIAL OBJECTION
TO THE PLAINTIFFS' STEERING COMMITTEE'S MOTION
FOR DISTRIBUTION OF ADDITIONAL ATTORNEYS' FEES
AND REIMBURSEMENT OF COSTS
(RE: MDL SETTLEMENT PROGRAM I)**

The Zimmerman Reed law firm hereby submits this Response in Partial Objection to the Plaintiffs' Steering Committee's Motion and Memorandum in Support of Motion for Distribution of Additional Attorney's Fees and Reimbursement of Costs (Re: MDL Settlement Program I) (Doc. 4465). Zimmerman Reed's objection is limited only to the proposed distribution allocated to Zimmerman Reed P.L.L.P., and has no objection to any of the other distributions proposed in Doc. 4465. Zimmerman Reed respectfully requests leave of this Court to tender amended common benefit time reports for consideration by independent CPA of the Plaintiffs' Steering Committee, Philip Garrett of the Wegmann-Dazet accounting firm.

Upon receipt of The Plaintiffs' Steering Committee's Motion and Memorandum in Support of Motion for Distribution of Additional Attorney's Fees and Reimbursement of

Costs (Re: MDL Settlement Program I) (Doc. 4465) filed on March 15, 2012, Zimmerman Reed's accounting department undertook an internal audit to confirm the accuracy of the common benefit time reports previously submitted on behalf of the firm. Unfortunately, after completing the audit, Zimmerman Reed discovered that 378.3 hours of common benefit time was inadvertently omitted from the reports submitted on a monthly basis for review and approval by Mr. Garrett's firm. The common benefit time was contemporaneously recorded as incurred, but the previous accounting manager apparently failed to ensure the reports were complete before submitting them on a monthly basis. Briefly, the as-yet-unsubmitted time incurred for the common benefit breaks down as follows:

2001	302.5
2002	8.6
2003	4.1
2004	17.0
2005	1.5
2006	3.7
2007	4.7
2008	10.4
2009	6.95
2010	.5
2011	6.1
<u>2012</u>	<u>12.25 (January & February)</u>
Total	378.3

Zimmerman Reed, P.L.L.P. maintained an important role in this MDL and among other roles, served as one of the settlement negotiators. We committed our time in good faith over many years, but given the change of personnel in our management and staff over this time period, we did not review and compare the recorded time maintained in this case by the Wegmann-Dazet accounting firm with our internal records until called upon by the filing of the motion for final attorneys' fees distribution.

Having undertaken this review, we recognized the error and discussed this with Liaison Counsel. We advised Liaison Counsel that we would report our error to the Court and seek the consent of the Court to amend our time and expense reports accordingly. Therefore, we ask the Court and Wegmann-Dazet to accept the additional hours as provided herein.

In the event this Court grants Zimmerman Reed's request for leave of Court to submit amended common benefit time reports, all required information with respect to time keepers, projects, etc. will be submitted to Philip Garrett of the Wegmann-Dazet accounting firm, as per standard Court ordered procedures.

In conclusion, Zimmerman Reed makes no objection to any of the other proposed firm allocations detailed in Doc. 4465; this Objection is limited to only the amount allocated to the Zimmerman Reed firm. Zimmerman Reed respectfully requests this Court's permission to submit amended, accurate time records which, due to regrettable administrative oversight on the part of our firm were not included in previous submissions. We sincerely regret the error, and appreciate the Court's willingness to consider Zimmerman Reed's request for leave of Court.

Respectfully submitted,

Dated: April 17, 2012

ZIMMERMAN REED P.L.L.P.

/s/ Ronald S. Goldser

Charles S. Zimmerman (MN #120054)

Ronald S. Goldser (MN #35932)

Genevieve M. Zimmerman (MN #330292)

ZIMMERMAN REED P.L.L.P.

1100 IDS Center

80 South 8th Street

Minneapolis, MN 55402

Phone: (612) 341-0400

Fax: (612) 341-0844

Email: Charles.Zimmerman@zimmreed.com

Email: Ronald.Goldser@zimmreed.com

Email: Genevieve.Zimmerman@zimmreed.com

CERTIFICATE OF SERVICE

I hereby certify that the above Zimmerman Reed P.L.L.P.'S Response in Partial Objection to the Plaintiffs' Steering Committee's Motion for Distribution of Additional Attorneys' Fees and Reimbursement of Costs (Re: MDL Settlement Program I) has been served on Liaison Counsel James Irwin and Russ B. Herman by email and upon all parties by electronically uploading the same to LexisNexis File & Serve in accordance with Pre-Trial Order No. 4, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF system which will send a Notice of Electronic Filing on this 17th day of April, 2012.

/s/ Ronald S. Goldser

Ronald S. Goldser (MN #35932)

Zimmerman Reed, P.L.L.P.

1100 IDS Center

80 South 8th Street

Minneapolis, MN 55402

Phone: (612) 341-0400

Fax: (612) 341-0844

Email: Ronald.Goldser@zimmreed.com