

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

**In Re: VIOXX  
PRODUCTS LIABILITY LITIGATION**

**This document relates to:**

**All Actions**

**MDL Docket No. 1657**

**SECTION L**

**JUDGE FALLON  
MAG. JUDGE KNOWLES**

**PRE-TRIAL ORDER NO. 51(A)**  
**(Disbursement of Costs)**

The Court has before it a Motion for Award of Plaintiffs' Common Benefit Reimbursement of Expenses (Rec. Doc. 64588).

In Pre-Trial Order No. 51, the Court authorized disbursement and reimbursement of funds to for common benefit expenses to attorneys. Since that time, additional common benefit expenses have been incurred and/or reported pursuant to Pre-Trial Order No. 6. Section 9.2.2 of the Settlement Agreement provides that "Common Benefit Attorneys shall [also] be entitled to reimbursement of their reasonable common benefit expenses" and that "Reimbursement of these expenses shall be deducted from the client's net recovery." The Court recognized that it was necessary to put in place some procedure for verifying cost submissions and, therefore, at the outset of these proceedings, the Court appointed a CPA to collect and verify the expense submissions of Common Benefit Attorneys, which procedures continue. The Court has met with Philip A. Garrett, CPA, who continues to provide monthly reports to the Court of all time and expenses pursuant to Pre-Trial Order No. 6, and further has considered the Motion for Award of Plaintiffs' Common Benefit Reimbursement of Expenses (Rec. Doc. 64588) and supporting

materials.

IT IS ORDERED BY THE COURT that pursuant to Section 9.2.2 of the Settlement Program, as set forth in the Settlement Agreement between Merck & Co., Inc. and the Plaintiffs' Negotiating Committee dated November 9, 2007, from the Common Benefit Expense Fund reimbursement of common benefit expenses are hereby awarded and should be made now as follows:

1. Reimbursement of Plaintiffs' Steering Committee (PSC) Assessments:

a. Ashcraft & Gerel	\$30,000.00
b. Beasley Allen	\$15,000.00
c. Gainsburgh	\$40,000.00
d. Herman, Herman	\$30,000.00
e. Kline & Spector	\$40,000.00
f. Levin Fishbein	\$30,000.00
g. Levin Papantonio	\$15,000.00
h. Lieff Cabraser	\$15,000.00
i. Neblett Beard & Arsenault	\$40,000.00
j. Ranier Gayle	\$40,000.00
k. Robinson, Calcagnie & Robinson	\$25,000.00
l. Sanford Pinedo, LLP	\$15,000.00
m. SeegerWeiss	<u>\$25,000.00</u>

**TOTAL PSC ASSESSMENTS TO BE REIMBURSED: \$360,000.00**

2. Reimbursement of Fee Allocation Committee (FACE) Assessments:

a. Beasley Allen	\$5,000.00
b. Blizzard McCarthy	\$5,000.00
c. Girardi Keese	\$5,000.00
d. Herman, Herman	\$5,000.00
e. Lanier	\$5,000.00
f. Levin, Fishbein	\$5,000.00
g. Levin, Papantonio	\$5,000.00
h. Weitz & Luxenberg	<u>\$5,000.00</u>

**TOTAL FACE ASSESSMENTS TO BE REIMBURSED: \$ 40,000.00**

3. Payment for invoice of Special Master Juneau. \$ 80,431.46


4. Expenses incurred by Plaintiffs' Liaison Counsel prior to the

- appointment of the Plaintiffs' Steering Committee shall be reimbursed to Herman, Herman & Katz, LLC. \$ 5,575.18
5. Expenses incurred by Plaintiffs' Liaison Counsel relating to settlement matters prior to November 9, 2007 shall be reimbursed to Herman, Herman & Katz, LLC. \$ 9,369.42

IT IS FURTHER ORDERED BY THE COURT that Plaintiffs' Liaison Counsel shall be provided a distribution of \$200,000.00 to be utilized as a payment for common benefit shared expenses in this matter, which expenses shall be documented as ordered in Pre-Trial Order No. 6 or reimbursed to the Common Benefit Expense Fund.

IT IS FURTHER ORDERED BY THE COURT that Philip A. Garrett, CPA, shall continue to provide monthly reports to the Court of all time and expense in this matter pursuant to Pre-Trial Order No. 6.

New Orleans, Louisiana, this 11th day of September, 2013.

  
UNITED STATES DISTRICT JUDGE