

Exhibit D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: BIOMET M2a MAGNUM HIP)
IMPLANT PRODUCTS LIABILITY)
LIGATION (MDL 2391)) Cause No. 3:12-MD-2391
)
)
This Document Relates to All Cases)
)

AFFIDAVIT OF ESCROW AGENT FOR
THE BIOMET COMMON BENEFIT MDL ASSESSMENT FUND

I, Jessica Larbes, a Certified Public Attorney licensed in the State of Ohio and Business Unit Controller for the Garretson Resolution Group (“GRG”), being duly sworn deposes and says:

I am the duly appointed Escrow Agent for the Biomet Common Benefit MDL Assessment Fund (“Fund”) pursuant to the Court’s June 23, 2015 Order. Under the terms of the Case Management Order Establishing Common Benefit Fee and Expense Funds dated February 3, 2014, my responsibilities as Escrow Agent include establishing two interest-bearing accounts to receive and disburse funds, keeping detailed records of all deposits and withdrawals, preparing tax returns and other tax filings in connection with the funds.

Common Benefit Fees

I have personally reviewed detailed fee reports submitted by Plaintiffs’ Counsel who expended time and effort for the common benefit of all plaintiffs. To date, a total of 25 firms have collectively reported over 29,000 hours of attorney and administrative time.

I have also reviewed the methodology used by the Fee Committee to allocate common benefit fees among Plaintiffs’ Counsel who submitted fee reports. First, the Fee Committee used

the percentage-of-recovery method to determine an average hourly rate of approximately \$204.00 (calculated by dividing the \$6,000,000 fee cap by 29,373 total hours). To calculate the amount to be paid to each firm, the Fee Committee took the total number of hours submitted by that firm, divided that by the total number of hours submitted by all firms, and then multiplied the result by the fee cap of \$6,000,000. Then, incorporating the lodestar method of allocation, the Fee Committee analyzed all of the hours submitted by each firm and placed them into a value hierarchy comprised of 4 tiers of services. Recognizing that the services and activities in tiers 1 and 2 of the value hierarchy provided the most benefit to the plaintiffs, the Fee Committee (a) increased the fee percentage allocated to each firm that spent more than 25% of their time on tier 1 and 2 activities, and (b) reduced the fee percentage allocated to each firm that spent more than 75% of their time on tier 3 and 4 activities.

I discussed the fee methodology with members of the Fee Committee, including Sylvius von Saucken, GRG's Chief Compliance Officer and Fiduciary and the Court-appointed non-attorney compliance Fee Committee member. Based on my review of the expense reports and methodology, I agree with the fee methodology that has been applied, and it is my independent and professional opinion that the fee methodology is consistent with best practices under professional accounting standards and principles.

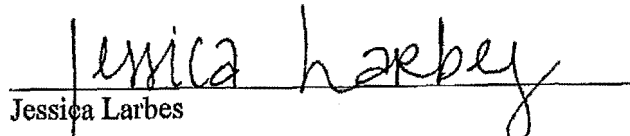
Common Benefit Expenses

In addition to the fee reports, I have personally reviewed detailed expense reports submitted by Plaintiffs' Counsel who expended time and effort for the common benefit of all plaintiffs.

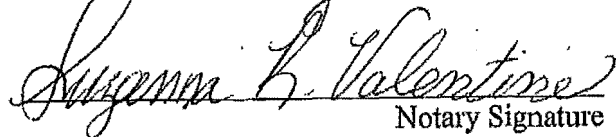
I have also reviewed the methodology used by the Fee Committee to review and approve common benefit expenses. The methodology consists of the following steps:

- a. All the receipts and expense reports were collected and organized by firm;
- b. An Accounting of Expenses report was prepared and each line item was reviewed for any discrepancies. Discrepancies were noted and each firm was contacted regarding them to see if they could be cured;
- c. All expenses were categorized by using 19 major categories. For each category, the following was determined:
 - i. the average expense for that category;
 - ii. the total number of expenses for that category; and
 - iii. the total cost of expenses for that category.
- d. Any expense that exceeded the average for its category was flagged to request additional information and was subject to further review by the Fee Committee members. For example, an expense for transportation that exceeded the average may be determined to be reasonable if there were multiple passengers;
- e. Any instance where a line item did not match the supporting documentation, additional information was requested and it was subject to further review;
- f. Any instance where expenses far exceeded the average expense amount for that category the fee committee required the actual receipt;
- g. All Fee Committee members reviewed submitted expenses while taking into account ABA Formal Op. 93-379, as appropriate; and
- h. All Fee Committee members voted on the approval of the costs submitted by each firm while abstaining from voting on the approval of the costs submitted by their own firm.

I discussed the expense methodology with members of the Fee Committee, including Sylvius von Saucken, GRG's Chief Compliance Officer and Fiduciary and the Court-appointed non-attorney compliance Fee Committee member. Based on my review of the expense reports and methodology, I agree with the expense methodology applied in this case, and it is my independent and professional opinion that the expense methodology applied by the Fee Committee is consistent with best practices under accounting standards and principles.


Jessica Larbes

Subscribed and sworn to before me this 31st day of July, 2015.


Notary Signature

My commission expires _____ Suzanna R. Valentine ²⁰_____
Notary Public, State of Ohio
My Commission Expires 01-06-2020

