

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: BIOMET M2a MAGNUM) CAUSE NO. 3:12-MD-2391-RLM-CAN
HIP IMPLANT PRODUCT)
LIABILITY LITIGATION)
(MDL2391)) Judge Robert L. Miller, Jr.
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)
)
This Document Relates to All Cases)

**MOTION FOR PAYMENT OF COMPENSATION FROM THE BIOMET COMMON
BENEFIT MDL ASSESSMENT FUND**

1. The Court's Case Management Order Establishing Common Benefit Fee and Expense Funds (doc. 1317-2) ("Common Benefit Order"), provided in paragraph II.A. that a "Biomet Hip Common Benefit Attorney's Fee Fund" and a "Biomet Hip Common Benefit Cost Fund" be established for the purpose of receiving and disbursing funds provided in that Order. These were set up as subaccounts of the "Biomet Common Benefit MDL Assessment Fund" (the "Fund") pursuant to the Court's Order Appointing Escrow Agent and Fee Committee on June 23, 2015 (doc. 2925) ("Fee Committee Order").

2. In the Fee Committee Order, the Court appointed Jessica Larbes, C.P.A., a qualified certified public accountant and employee of Garretson Resolution Group ("GRG"), as the Escrow Agent for the Fund, and ordered that GRG shall charge \$390 per hour for Mrs. Larbes' services, \$250 per hour for the services of each of the other fund administration

professionals who will support Mrs. Larbes, and \$405 per hour for the services of Sylvius von Saucken, GRG's Chief Compliance Officer and Fiduciary. The Court further ordered that these fees shall be paid from the Biomet Hip Common Benefit Cost Fund.

3. In the Fee Committee Order, the Court also established a Fee Committee to make recommendations to the Court about how the money in the Fund should be distributed among Participating Counsel. The Court appointed Sylvius von Saucken, GRG's Chief Compliance Officer and Fiduciary, as the non-attorney compliance Fee Committee member, and ordered that GRG shall be compensated for Mr. von Saucken's work on the Fee Committee at the rate of \$405 per hour. The Court further ordered that this fee shall be paid from the Biomet Hip Common Benefit Cost Fund.

4. The Invoice attached hereto as Exhibit A, which has been sent to Plaintiffs' Co-Lead Counsel, Thomas Anapol, in accordance with the Fee Committee Order, details the work Mrs. Larbes, Mr. von Saucken, and other GRG fund administration professionals have performed with respect to the Fund. The total fee incurred by GRG for these services is \$18,500.

5. In accordance with the Fee Committee Order, GRG requests this Court to approve the payment of \$18,500 from the Biomet Hip Common Benefit Cost Fund to GRG for the services of Mrs. Larbes, Mr. von Saucken, and other GRG fund administration professionals with respect to the Fund.

DATED this 15 day of October, 2015.

Respectfully submitted,

/s/ Sylvius von Saucken _____

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Non-attorney compliance Fee Committee member

/s/ Tom Anapol _____

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Plaintiffs' Co-Lead Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 15, 2015, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which provided electronic service upon all counsel of record.

s/Robert T. Dassow _____

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