

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: WRIGHT MEDICAL
TECHNOLOGY, INC. CONSERVE HIP
IMPLANT PRODUCTS LIABILITY
LITIGATION

CIVIL ACTION NO.
1:12-md-02329-WSD

This document relates to:
ALL CASES

ORDER RE: COMMON-BENEFIT LEGAL FEES FUNDS

The Court's Case Management Order No. 4 [432] ("CMO-4"), issued February 15, 2013, provides the following:

Each MDL Case in which a Judgment is entered or in which a settlement is reached shall be assessed seven-percent (7%) of the amount of the Judgment or settlement, respectively. The assessment shall be based upon the gross proceeds of the Judgment or settlement, respectively, including the present cash value of any payment that is structured in whole or in part. One half of each assessment (3.5%) shall be allocated to pay or reimburse the expenses that have been or will be incurred at the direction of the [Plaintiffs' Co-Lead Counsel, or "PCLC,"] for the common benefit of all plaintiffs in MDL 2329 (the "Expense Funds"). The other half of each assessment (3.5%) shall be allocated to pay or reimburse the costs of legal services that have been or will be provided by attorneys acting at the direction of the PCLC for the common benefit of all plaintiffs in MDL 2329 (the "Legal Fees Funds").

([432] ¶ 3). Paragraph 7 of CMO-4 further provides:

The PCLC shall apply to the Court at a time that it deems appropriate for the Court's permission to distribute the Legal Fees Funds and the manner in which to distribute them for legal work

completed at the direction of the PCLC for the common benefit of all plaintiffs in MDL 2329. The PCLC shall not distribute any of the Legal Fees Funds without a Court Order expressly permitting such a distribution.

([432] at 4). PCLC has submitted its application to the Court seeking permission to distribute the Legal Fees Funds. PCLC seeks to distribute approximately \$11.9 million in Legal Fees Funds.

PCLC represents that, after conferring with all counsel who have performed legal services at PCLC's direction, for the common benefit of all MDL-2329 plaintiffs, it is evident that all legal services were reasonable, non-duplicative and completed at the direction of PCLC, in accordance with the requirements of CMO-4. Counsel performing common-benefit legal services for plaintiffs in MDL 2329 have agreed to the following allocation of the Legal Fees Funds among the seven (7) law firms performing such common-benefit legal services:

Burg, Simpson, Eldredge, Hersh, Jardine, P.C.:	\$531,075.00
Yuhl Carr:	\$531,075.00
Fleming, Nolan, Jezz, LLP:	\$531,075.00
Weitz & Luxenberg, P.C.:	\$531,075.00
Pope, McGlamry, Kilpatrick, Morrison & Norwood, P.C.:	\$4,525,000.00
Boucher LLP:	\$2,625,000.00

Kiesel Law LLP: \$2,625,000.00

Accordingly, and for the foregoing reasons,

IT IS HEREBY ORDERED that, in accordance with the agreement among counsel set forth above, PCLC may, at its discretion, make *pro rata* distributions of common-benefit fees for legal services to the counsel listed above, in the amount of the allocation above, from the Legal Fees Funds that have been, and will be, collected via common-benefit assessments in MDL 2329.

SO ORDERED this 14th of December, 2017.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE