

COPY

COMMON BENEFIT FUND CONFIRMATION

WHEREAS, the Second Amended Case Management Order No. 9 in MDL No. 1742, In Re: Ortho Evra Products Liability Litigation, United States District Court, Northern District of Ohio, Case No. 1:06-40000, established a Common Benefit Fund and provides for a three percent (3%) or five percent (5%) assessment of the "gross monetary recovery" (as defined by the Order) to be paid into the Fund, by agreement between the Plaintiffs' Steering Committee and any Plaintiff's Counsel as a "Participating Attorney";

WHEREAS, the parties have agreed to a confidential settlement in:

Case Caption:

[Case Name, Case No., Jurisdiction]

MDL:  YES

SEE ATTACHED EXHIBIT A

NO

Plaintiff's Counsel of Record:

[Name, Firm, and Address]

G. Erik Rosemond, Esq.

Hissey Kientz, LLP

9442 North Capital of Texas Hwy., Suite 400, Austin, TX 78759-7262

NOW, THEREFORE, Plaintiffs' Steering Committee hereby discloses and confirms as follows:

(3% ASSESSMENT) Plaintiff's Counsel of Record, [\_\_\_\_\_], has entered into an agreement with the Plaintiffs' Steering Committee and agreed to a three percent (3%) assessment of the "gross monetary recovery" to be withheld and paid directly to the Common Benefit Fund as a credit against the confidential settlement in the above-referenced case.

(5% ASSESSMENT) Plaintiff's Counsel of Record, [\_\_\_\_\_], has entered into an agreement with the Plaintiffs' Steering Committee and agreed to a five percent (5%) assessment of the "gross monetary recovery" to be withheld and paid directly to the Common Benefit Fund as a credit against the confidential settlement in the above-referenced case.

(NO ASSESSMENT) Plaintiff's Counsel of Record, [\_\_\_\_\_], has not entered into an agreement with the Plaintiffs' Steering Committee and therefore, Defendants are not obligated to withhold any assessment in the above-referenced case.

PLAINTIFFS' STEERING COMMITTEE

*Janet G. Abaray*  
JANET G. ABARAY (0002943)

jabaray@burgsimpson.com  
BURG, SIMPSON, ELDREDGE,  
HERSH & JARDINE, P.C.  
312 Walnut Street, Suite 2090  
Cincinnati, OH 45202  
(513) 852-5600 (telephone) (513) 852-5611 (fax)

*Dec. 8, 2008*  
Date

Plaintiffs' Co-Lead and Liaison Counsel

1026409



## HISSEY KIENTZ SETTLEMENTS

			STATUS
1	Cumar	Saynab	Superior Court of California, Los Angeles County Case No. BC393357 [filed under <i>Dominique Bell</i> ]
2	Diaz	Martha	Superior Court of California, Los Angeles County Case No. BC382047 [filed under <i>Janis Brown</i> ]
3	Dyer	Melissa	Superior Court of California, Los Angeles County Case No. BC380477
4	Fitzgerald	Renee	Superior Court of California, Los Angeles County Case No. BC398688
5	Gyenes	Laura	Superior Court of California, Los Angeles County Case No. BC393357 [filed under <i>Dominique Bell</i> ]
6	Hadnot	Shell	Superior Court of California, Los Angeles County Case No. BC398688 [filed under <i>Renee Fitzgerald</i> ]
7	Hulett	Ilonda	Superior Court of California, Los Angeles County Case No. BC398688 [filed under <i>Renee Fitzgerald</i> ]
8	Lanphere	Crystal	Superior Court of California, Los Angeles County Case No. BC393357 [filed under <i>Dominique Bell</i> ]
9	Lawber	Paula	Superior Court of California, Los Angeles County Case No. BC372340 [filed under <i>Nichole King</i> ]
10	Lyons	Natira	Superior Court of California, Los Angeles County Case No. BC372341 [filed under <i>Jaime Pierson</i> ]
11	McCalvy	Elizabeth	Superior Court of California, Los Angeles County Case No. BC380477 [filed under <i>Melissa Dyer</i> ]
12	Moore	Kennee	Superior Court of California, Los Angeles County Case No. BC393357 [filed under <i>Dominique Bell</i> ]

EXHIBIT A

1026378

TO COMMON BENEFIT FUND CONFIRMATION FORM

1

	NAME	LAST NAME	STATUS
13	Munsey	Mary	Superior Court of California, Los Angeles County Case No. BC372340 [filed under <i>Nichole King</i> ]
14	Pace	Allison	Superior Court of California, Los Angeles County Case No. BC380477 [filed under <i>Melissa Dyer</i> ]
15	Perez	Felicia	Superior Court of California, San Francisco Case No. CGC-07-463002 [filed under <i>Mary Monroe</i> ]
16	Perrenoud	Keisha	Superior Court of California, San Francisco Case No. CGC-06-458689 [filed under <i>Gloria Sanchez</i> ]
17	Pfeiffer	JoAnn	Superior Court of California, San Francisco Case No. CGC-07-463002 [filed under <i>Mary Monroe</i> ]
18	Pizzarello	Francesca	Superior Court of California, Los Angeles County Case No. BC393357 [filed under <i>Dominique Bell</i> ]
19	Rock	Deanna	Superior Court of California, Los Angeles County Case No. BC398688 [filed under <i>Renee Fitzgerald</i> ]
20	Simpkins	Jacqueline	Superior Court of California, Los Angeles County Case No. BC372340 [filed under <i>Nichole King</i> ]
21	Sommerfeld	Candice	Superior Court of California, Los Angeles County Case No. BC380477 [filed under <i>Melissa Dyer</i> ]
22	Swisher	Katie	Superior Court of California, Los Angeles County Case No. BC393357 [filed under <i>Dominique Bell</i> ]
23	Thomas	Ann	Superior Court of California, San Francisco Case No. CGC-07-463002 [filed under <i>Mary Monroe</i> ]
24	Thompson	Michelle	Superior Court of California, Los Angeles County Case No. BC380477 [filed under <i>Melissa Dyer</i> ]
25	Topczewski	Linda	Superior Court of California, Los Angeles County Case No. BC380477 [filed under <i>Melissa Dyer</i> ]

EXHIBIT A  
TO COMMON BENEFIT FUND CONFIRMATION FORM



**BURGSIMPSON**

BURG | SIMPSON | ELLIOTT | HENSH | JARDINE PC

DEC 05 2008

**TUCKER ELLIS & WEST LLP** RECEIVED  
ATTORNEYS AT LAW

<b>From:</b>	Robert C. Tucker
<b>Sender's Address:</b>	925 Euclid Avenue Suite 1150 Cleveland, Ohio 44115
<b>Sender's Phone:</b>	

<b>To:</b>	Janet G. Abaray	<b>Sent By:</b>	Latch, Rae
<b>FAX #:</b>	513-852-5611	<b>Pages:</b>	4
<b>Phone:</b>		<b>Date:</b>	3:54:47 PM - 12/5/2008
<b>Re:</b>	Common Benefit Fund Confirmation Form		

**Comments:**

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**TUCKER ELLIS & WEST LLP**

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Direct Dial: 216.696.4093  
Email: robert.tucker@tuckerellis.com

December 5, 2008

**VIA FACSIMILE ONLY**

Janet G. Abaray, Esq.  
Burg, Simpson  
312 Walnut Street, Suite 2090  
Cincinnati, OH 45202

Re: In re Ortho Evra® Product Liability Litigation  
*Hissey Kientz LLP Settlements*

Dear Janet:

I have enclosed the Common Benefit Fund Confirmation form for recent settlements achieved with the Hissey Kientz firm. Please sign and return the form to my attention so that we may complete the settlement in a timely manner.

Very truly yours,

Robert C. Tucker

RCT:rel  
Enclosure

cc: G. Erik Rosemond, Esq.  
Susan M. Sharko, Esq.  
Julie A. Callsen, Esq.