

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: FRESENIUS
GRANUFLO/NATURALYTE
DIALYSATE PRODUCTS
LIABILITY LITIGATION**

MDL No. 1:13-md-2428-DPW

This Document Relates to:

All Cases

**PEC MOTION FOR APPOINTMENT OF ERIC D. GREEN
AS GLOBAL SETTLEMENT SPECIAL MASTER**

Pursuant to FRCP 53 and the broad authority granted by 28 U.S.C. sec. 1407, the PEC respectfully moves this Court to appoint Professor Eric D. Green, Esq. as Special Master to perform certain roles as set forth below concerning the recently announced global agreement-in-principle to settle all personal injury and wrongful death claims. Counsel for FMCNA does not oppose this motion.

As the Court has been made aware, Professor Green acted as mediator to assist the plaintiffs' leadership and FMCNA reach the agreement-in-principle.

The plaintiffs' leadership from the MDL desires, and subject to approval from this Court, Professor Green is prepared to perform, any and all of the following tasks related to the settlement:

- Resolution of any disputes in the creation of a Master Settlement Agreement that cannot be settled by the parties despite best faith efforts;
- Approval of the final settlement allocation plan as developed by Professor Green with the involvement and advice of plaintiffs' leadership;
- Resolution of any issues or questions raised by any plaintiffs' counsel related to the final settlement allocation plan;

- Contributing to the oversight of the claims administration process, in concert with the plaintiffs' leadership and the settlement claims administration firm, including but not limited to:
 - resolution of appeals from compensation awards; and
 - questions or conflicts concerning the sufficiency of submissions in support of compensation awards; and
- Any other matters generally related to the settlement process appropriate for Professor Green as he and/or the plaintiffs' leadership may identify.

If appointed, Professor Green has generously offered to perform his role *pro bono*.

As this Court already may be aware, Eric Green is an internationally recognized and respected neutral who has performed the role of Special Master in other litigations. A copy of his resume is attached hereto, and the link to the website of his firm, www.resolutionsllc.com, provides an overview of the scope and breadth of Professor Green's experience in complex litigation resolution including mass torts. As he is already well acquainted with this mass tort through his role as mediator, he is uniquely suited to perform the above-described roles.

Professor Green will be prepared to report from time to time to this Court, as requested, with a status of the settlement program and to address any other matters as may arise relating to same.

For the foregoing reasons, it is in the interests of judicial and economic efficiency and the furtherance of the parties' settlement-in-principle to appoint Eric D. Green as Settlement Special Master.

Dated: April 1, 2016

Respectfully submitted,

/s/ Anthony Tarricone
Anthony Tarricone, Esq.
Plaintiffs' Liaison Counsel
Kreindler & Kreindler LLP
855 Boylston Street
Boston, MA 02116
Tel: 617.424.9100
atarricone@kreindler.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served via electronic mail to counsel of record for the Fresenius Defendants as follows:

William Kettlewell
Collora LLP
100 High Street
Boston, MA 02110-2321
wkettlewell@collorallp.com
(Lead Counsel for Fresenius Medical Care North America)

and

Charles Cummings
Baker & McKenzie LLP
452 5th Avenue
New York, NY 10018
charles.cummings@bakermckenzie.com
(Lead Counsel for the European Fresenius Defendants)

/s/ Anthony Tarricone
Anthony Tarricone, Esq.