

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE YASMIN AND YAZ :
(DROSPIRENONE) MARKETING, : **3:09-md-02100-DRH-PMF**
SALES PRACTICES AND : **MDL No. 2100**
PRODUCTS LIABILITY LITIGATION :
_____ :
: Judge David R. Herndon
This Document Applies to All Actions :
_____ :
:

AMENDED CASE MANAGEMENT ORDER NO. 55
(Appointing CPA and Bank to Assist with Common Benefit Fund)¹

Herndon, Chief Judge

On December 31, 2011, the Court delayed bellwether trials and ordered the parties in this vast multi-district litigation to mediation (CMO 53, Doc. 2225; CMO 54, Doc. 2228). Professor Stephen Saltzburg was appointed a special master to facilitate that mediation process. *Id.* In addition, the parties were ordered by the Court to engage in every effort to negotiate in good faith to resolve the pending matters through the settlement process and granted Professor Saltzburg authority to utilize all means to facilitate the process. *Id.*

¹ Case Management Order No. 55 has been amended to correct a typo located on page 2 of Case Management Order No. 55. Amended Case Management Order No. 55 contains no substantive changes.

On March 25, 2010, the Court entered an order, Case Management Order No. 14, which relates to the common benefit fund that would eventually be established from fees earned by plaintiffs' counsel that resulted from cases tried and judgments satisfied or cases settled (CMO 14, Doc. 1042). One provision therein, II.A., requires a subsequent order appointing a CPA and bank to assist with procedures required by the other provisions of the order. *Id.* at § II.A.).

Although no funds have been received for the common benefit, and there is no indication at this point when to expect such funds, the Court finds the prudent course of action to carry out the requirements of CMO 14 so that when funds do become available the necessary prerequisites are in place. Therefore, the Court hereby appoints Michael E. Fitzgerald of Scheffel & Company, P.C. the CPA of the Common Benefit Fund contemplated by CMO 14. A CPA since 1979, Mr. Fitzgerald is licensed in the State of Illinois and a graduate of Notre Dame. The fee Mr. Fitzgerald will be paid is \$350 per hour, his CPA supervisor \$245 per hour and para-professional \$200 per hour.

The funds shall be deposited at First Clover Leaf Bank, Edwardsville, Illinois. First Clover Leaf Bank was first chartered in 1889. With a Tier I Capital ratio of 11.17 % and assets of \$560 million, the bank operates in Edwardsville, Wood River and Highland, Illinois. Its President is Dennis M. Terry, who also serves on the Community Depository Institutions Advisory Council (CDIAC) of the Federal Reserve Board. The CDIAC meets with the Federal Reserve Board twice a year to provide the Board with input on the economy, lending conditions and

other issues. The funds shall be deposited in an interest bearing account as specified in CMO 14, the specifics of which shall be determined by Mr. Fitzgerald.

More specific contact information will be provided directly to both parties.

IT IS SO ORDERED.

Signed this 23rd day of March, 2012.

  David R.
Herndon
2012.03.23
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David R. Herndon, Chief Judge
United States District Court