

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: GADOLINIUM BASED
CONTRAST AGENTS PRODUCTS
LIABILITY LITIGATION

Case No. 1:08 GD 50000

MDL No. 1909

Judge Dan Aaron Polster

THIS DOCUMENT APPLIES TO:
ALL CASES

PRETRIAL ORDER NO. 3

**APPOINTMENT OF CERTIFIED PUBLIC ACCOUNTANT TO ACT AS ESCROW
AGENT FOR THE COMMON BENEFIT FEE AND EXPENSE FUNDS**

On February 20, 2009, the Court entered PTO 2 establishing Common Benefit Fee and Expense Funds relating to this litigation. That Order contemplated a subsequent Order specifically directed to the appointment of an Escrow Agent over the Common Benefit Fee and Expense Funds. Plaintiffs' Steering Committee has filed a motion requesting the appointment of Mr. Gregory Dantio of the firm of Dantio, Grabo & Company as Escrow Agent. Having reviewed the motion, qualifications and fee schedule of Mr. Dantio, the Court hereby grants Plaintiffs' Steering Committee's motion and appoints Mr. Dantio (the CPA) as the Escrow Agent over the Common Benefit Fee and Expense Funds.

1. The CPA will oversee the Common Benefit Fee and Expense Funds, keep detailed records of all deposits and withdrawals, prepare tax returns and other tax filings, as required, and to provide monthly statements to the Court and the Plaintiffs' Executive Committee ("PEC") consistent with PTO 2.

2. Within ten days of this Order, Plaintiffs' Liaison Counsel ("PLC") shall provide a copy of PTO 2 to the CPA.

3. In addition to maintaining the detailed records of all deposits and withdrawals, the preparation of tax returns and filings, and reporting to the Court and PEC, the CPA is appointed to serve as the Escrow Agent for the Funds, and he is directed to establish two interest-bearing accounts at National City Bank, now a part of PNC, in Cleveland, Ohio, into which the deposits of the common benefit assessments shall be made by the Defendants. The name on the first account shall be "In re: Gadolinium Based Contrast Agent Fee Fund" into which any assessment for fees shall be deposited. The name on the second account shall be "In re: Gadolinium Based Contrast Agent Expense Fund" into which any assessment for expenses shall be deposited. All funds deposited into either of these two accounts shall be held subject to PTO 2 and, as may be required, further Order of this Court.

4. The hourly rate payable to the CPA shall be \$165 per hour for work performed by Mr. Gregory Dantio and other shareholder CPAs within the firm, \$130-145 per hour for work performed by other non-shareholder CPAs within the firm, and \$65 per hour for work performed by administrative assistants, which shall be utilized where appropriate to control costs. The CPA shall submit to the Court and PLC detailed quarterly bills for work performed reflecting the services performed with respect to the Funds and the amount of time each service required. Once approved by the Court, all statements for services shall be paid for out of funds in the "In re: Gadolinium Based Contrast Agent Expense Fund" and shall be considered a shared cost in accordance with § III.B.1. of PTO 2.

IT IS SO ORDERED.

s/Dan A. Polster
JUDGE DAN AARON POLSTER