

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

In re: § MDL Docket No. 4:03-CV-1507-BRW
§
§
PREMPRO PRODUCTS LIABILITY § ALL CASES
LITIGATION §
§

THE LITTLEPAGE FIRM’S SUR-REPLY

**TO COMMON BENEFIT FEE COMMITTEE’S
REPLY TO OBJECTIONS TO THE COMMON BENEFIT FEE COMMITTEE’S
RECOMMENDATION FOR FEE AND EXPENSE ALLOCATION
BY THE LITTLEPAGE FIRM**

“I always cheer up immensely if an attack is particularly wounding because I think, well, if they are attacking me personally, it means they have not a single factual argument left.”

- Margaret Thatcher

For six months the voting bloc of the Common Benefit Fee Committee (CBFC) members have poured over Lead Counsel’s time submissions, line by line, desperately seeking justification for their decision to increase their time by an average of 54.7% and take that bonus directly from Ms. Littlepage’s time. For six months, the CBFC refused to provide Ms. Littlepage with any facts or detail to explain its conduct, despite her requests on more than five occasions. For six months, the CBFC reassured Ms. Littlepage that she had provided all additional materials requested, but then refused to increase her arbitrarily reduced time allocation, even by one percent. So Ms. Littlepage anxiously awaited for the CBFC’s filing last week, hopeful that she would finally get an explanation for its grossly unfair vote. But instead she received a 60 plus page

response that was long on name-calling, and remarkably short on facts. While Ms. Littlepage wishes the CBFC's fantasies were true and she was as powerful, influential and rich as the committee claims, the key questions here remain unanswered.

Indeed, once the unexpected (and surprisingly hurtful) venom is removed, what is left in the CBFC's pleading are assertions that the committee found – at most – 50 hours of mistakes in the Littlepage Firm's submission,¹ a submission that exceeds 77,000 hours in total. The errors make not a whit of difference in Ms. Littlepage's time application.² And remarkably, the CBFC again refused to answer the two key questions in this matter:

(a) Question # 1: What specific hours of Ms. Littlepage's submitted time did the CBFC cut and on what basis?

The time is long past for generalities or unsupported arguments that the Court should extrapolate a few hours of inadvertent errors into a reduction in 20,000 hours of submitted time.³ The CBFC has once again failed to show any real problem with Ms. Littlepage's time or explain the basis for its decision to cut her time by more than half. Why? Perhaps it is because Ms. Littlepage's time is clearer and more detailed than any other applicant firm and is backed up by an actual, demonstrable work-product.⁴

¹ And this figure is giving the CBFC full credit for the hours spent reviewing courts orders (which the committee claims should have taken less time), an hour for reviewing a hearing transcript and two dozen hours for Ms. Littlepage's former assistant to play with her child in the snow over four days. As discussed below, these issues are largely without merit but even if they were, the impact is nil.

² Amazingly, the CBFC asks the Court to extrapolate less than 50 hours of errors into "tens of thousands of hours" which the CBFC claims "were improper, misrepresented or outright fabricated" but provides no evidence or facts to support that leap. The Common Benefit Committee's Reply to the Objections to the Common Benefit Fee Committee's Recommendation for Fee and Expense Allocation, by The Littlepage Firm and Rainey C. Booth, P.A. (CBFC Reply), Docket No. 3260 at p. 2.

³ CBFC Reply at p. 40.

⁴ Ex. 1 - 2004 time submission for Zoe Littlepage. In light of the public allegations made against Ms. Littlepage, she is filing one year of her submitted time so that every applicant firm

Perhaps it is because, after six months of review, the CBFC can find nothing of significance to complain about. Or is it because the voting bloc of the CBFC has nothing to lose? They are playing with the house's money. The "bonus" increases the voting bloc members awarded to themselves came directly from Ms. Littlepage and Mr. Booth's time. What's the worst that could happen? If they were to lose all of the extra pro rata percentages they awarded themselves, they would actually be left with exactly what they are entitled to based on the work they performed. But even with a compromised result, they each will get a higher percentage than his time entitles him to. And this is precisely what they are counting on. The only thing they have to lose is that extra percentage of the fund that should be allocated to Ms. Littlepage and Mr. Booth anyway, so why not take a shot and throw every scrap of mud at the wall to see what sticks. They have created for themselves a no lose scenario.

Importantly - and this is crucial - the CBFC does not allege that any matter handled by Ms. Littlepage did not occur, or that someone else did the work. The CBFC also does not make any widespread claim that Ms. Littlepage took too much time on particular projects, since the CBFC members' submissions are either a direct copy of Ms. Littlepage's time (such as Mr. Walker who chose to "cut and paste" hundreds of Ms. Littlepage's exact entries into his time submission) or the applicant firms billed more time on virtually identical matters than Ms. Littlepage. The CBFC does not allege that Ms. Littlepage produced a shoddy work product. Rather, as the CBFC notes, "It is not

can evaluate – for itself – the level of detail provided and the value of the work performed. She has redacted specific references in this submission to protect any privilege. She is willing to provide a complete set of her submission to any applicant firm which wishes to undertake such a review.

the *value* of the firm's time that is in dispute."⁵ So, with nothing of substance to raise, the CBFC resorts to vitriol.

(b) Question # 2: On what basis did the voting bloc members of the CBFC award themselves bonuses – or additional percentage allocations above what their time justified – and why was that criteria not similarly applied to Ms. Littlepage?

The voting bloc members of the CBFC are clear: they valued their time at “a premium” and awarded themselves bonuses because “the CBFC consists of the attorneys most dedicated to this litigation.”⁶ That is correct. Most of the CBFC members were among the group of law firms, including Ms. Littlepage, “who contributed the greatest benefit for the common good.”⁷ The CBFC is also clear that Ms. Littlepage’s “contribution to the collective effort was substantial” and her “work was instrumental to developing the liability issues of the case.”⁸ But then they skip right past the obvious flaw in their argument. If the CBFC voting bloc members deserved bonuses, so too did Ms. Littlepage. She certainly did not deserve to be excluded from any bonus **and** have her actual time spent on common benefit matters cut in half.

The undercurrent to the CBFC's pleading appears to be that Ms. Littlepage just worked too hard. Even though her continued work was applauded when the voting bloc members largely moved on to other more lucrative projects and sat back and watched Ms. Littlepage keep fighting in the trenches, the CBFC now claims shock at the amount of time she spent on those exact issues. Because while the CBFC members were off

⁵ See CBFC Reply at p. 4.

⁶ CBFC Reply at p. 4.

⁷ CBFC Reply at p. 4.

⁸ CBFC Reply at p. p10 and p. 4.

working on other things (and billing only two to ten hours per months on hormone therapy), Ms. Littlepage was actually recruiting new experts, doing depositions, drafting pleadings, responding to *Daubert* motions and spending hundreds of hours each month on the litigation. The CBFC members may now wish they had worked more, that they had stepped up when Ms. Littlepage asked for help on projects and that they had not left for other ventures. But they did. And the law does not permit detrimental reliance or unjust enrichment. Ms. Littlepage did the work; the CBFC does not contest this fact. No one else did the work; the CBFC agrees. The work was necessary and, again, the CBFC does not contest this fact. Ms. Littlepage thus deserves to be paid for the work. Especially since her recorded time is valid, clear, reasonable, necessary and contains the least number of errors than virtually any other applicant firm.

Thankfully we now have three levels of reviewers who can evaluate everyone's submitted time, without the histrionics. The in-fighting of the management team can stop as it no longer matters what the voting bloc of the CBFC thinks about the submitted time. Or what Lead Counsel thinks. That part of the process is over. There are now independent overseers to decide this matter: Special Master Rosenbaum, followed by MDL Judge Wilson and finally the Eighth Circuit. No-one need speculate further about whether the protocols for time review were inappropriately applied or whether Ms. Littlepage was treated fairly. We have reviewers to answer these exact questions.

However, to ensure a complete record for appeal, Ms. Littlepage will address the issues raised by the CBFC in its pleading. Because what is important is that every applicant firm be treated fairly. Criteria must be applied uniformly. The CBFC cannot bless - and bonus – its own time while holding up identical submissions from Ms.

Littlepage as supposed examples of widespread fraud. So despite the CBFC's protests to the contrary, what its submissions show (which were wholeheartedly approved by the committee) is actual evidence of what the fee committee believes is appropriate, if the committee is not acting in retaliation. And when the CBFC approves of its own submissions but discounts Ms. Littlepage's similar submissions, it is evidence of ulterior motives and the abject lack of objective criteria.

I. The Fantasy World of the CBFC

So difficult was it for the CBFC to find any mistakes in Ms. Littlepage's time or any justification for its actions, the CBFC had to simply make things up, in essence create a fantasy world. Just a few examples:

(a) Little of the CBFC's newly minted venom is authentic. It is certainly in direct contrast to over a decade of accolades and applause Ms. Littlepage received from this very group of people. So why the sudden change of heart? Is it to create a false impression of the litigation with the newly appointed Special Master (because MDL Judge Wilson obviously knows better)? Is it to intimidate Ms. Littlepage to capitulate in order to avoid having her reputation crucified in the press?⁹ Or is it just retaliation because, for the first time, the back room shenanigans of mass tort common benefit fee negotiations are facing the light of day?

(b) There has never been any real conflict between Ms. Littlepage and the PSC or MDL lawyers. Rather, HRT management received high ratings from lawyers involved in the litigation for its level of cooperation, transparency, persistent relay of

⁹ Ex. 2 - 12-6-13 letter from T. Millrood to Judge Rosenbaum.

information and willingness to share materials. The CBFC can pretend now that there was consistent animosity, but the reality was a very different picture.

(c) Ms. Littlepage did not use the litigation as her personal “fiefdom, making decisions unilaterally.”¹⁰ In actuality, a system was set up early on where decisions were made by the HRT group. HRT management created list serve email contacts for the PSC as well as the Governing Committee (an ad hoc committee of essentially every active law firm in the litigation). Literally hundreds of emails were sent every week on these list serves. The entire group of HRT plaintiff lawyers consistently shared thoughts and brainstormed problems. The PSC and the Governing Committee had weekly conference calls (every Monday) to make decisions on upcoming matters. To the undersigned’s knowledge, no other MDL has allowed as much input into decisions or provided every active lawyer such an active “seat at the decision-making table” as HRT.

(d) Everyone agrees that the HRT litigation “should have ended sooner.”¹¹ But to blame Ms. Littlepage for the delay is ridiculous. The board of directors of Wyeth - and then Pfizer – took a long time to approve inventory settlements. But not because Ms. Littlepage was unfriendly with one of its lawyers. Rather the drug company chose to exhaust all of its legal options first. Wyeth’s reasons for delay are well-known and were frequently discussed with the MDL court.

First, since the dawn of time, lawyers have employed the “good cop / bad cop” shtick. When dealing with opposing counsel, it is always best if the front person for the group is “good cop:” pleasant and amenable but unable to make a final decision without final approval from “bad cop.” That way every decision can be carefully considered by

¹⁰ CBFC Reply at p. 10.

¹¹ CBFC Reply at p. 11.

the group and “good cop” can blame “bad cop” for having to go back to the opponent with different terms. In this litigation, Mr. Walker got to play “good cop” and Ms. Littlepage was designated “bad cop.” Certainly which lawyer played which role had no impact on the vote of Wyeth / Pfizer board of directors as to when, and under what terms, to start settling the litigation. Likely the board would not recognize the name of Ms. Littlepage or Mr. Walker.

Second, even if we play into the CBFC fantasy and assume that Wyeth would have caved earlier if only Ms. Littlepage was friendlier to opposing counsel, the argument is illogical. Wasn't being friendly to Wyeth Mr. Walker's role? Didn't Mr. Walker faithfully and successfully play the part of the ambassador between the parties? Does that make it Mr. Walker's fault that Mr. Heard was not able to persuade his corporate client to cave early because of his solid friendship with Mr. Walker? More likely Mr. Heard had no power over the ultimate decision of inventory settlements and who he liked better provided no sway on that corporate decision.

Third, the reasons why the litigation took as long as it did was repeatedly and publicly discussed by Wyeth with Judge Wilson. Wyeth wanted an appellate decision from the Eighth Circuit on the plaintiffs' case specific causation methodology (because Wyeth stopped contesting general causation within the first year or so). Plaintiffs did not win an MDL case until the spring of 2008 (as they lost two previous bellwether cases in Little Rock). Wyeth told Judge Wilson that the company could not evaluate settlements until the Eighth Circuit ruled in *Scroggin*. The Eighth Circuit affirmed the *Scroggin* verdict, and the plaintiffs' scientific methodology, in January 2008.

But by then, a large percentage of the HRT cases had been filed in Minnesota to take advantage of that state's longer statute of limitations. Wyeth thus told Judge Wilson that until it could challenge that procedure, the company would not actively engage in settlement. In November of 2008, Judge Wilson certified a question to the Minnesota Supreme Court regarding the application of Minnesota's statute of limitations to non-resident plaintiffs. The Minnesota Supreme Court ruled in the *Fleeger* matter in September of 2009. Finally - the plaintiffs thought –the defendants will come to the settlement table. But not so fast. Pfizer then bought Wyeth and the litigation basically started over. Pfizer/Wyeth then requested a series of *Daubert* hearings on various topics (including short term use of hormone therapy in ductal and then lobular cases, Her2Neu positivity, receptor negative, obesity etc.). Judge Wilson ruled on the last of those issues in the spring of 2012 as inventory settlements took off.

(e) Under the category of totally ludicrous allegations is the CBFC's newly concocted assertion that Ms. Littlepage "lost" boxes of time submissions.¹² The only hat that Ms. Littlepage never wore was treasurer of the litigation. The PSC had three different treasurers: Tobias Millrood, Rich Lewis and then Ralph Cloar. It was the treasurer's job to handle collection of the time, not Ms. Littlepage. When Mr. Lewis resigned as treasurer, he told Ms. Littlepage he shipped her all of the materials already collected. It was five boxes of materials. Rather than being lost, those five boxes have sat in Ms. Littlepage's hallway closet for the past year (see photograph of boxes with close-up on federal express slips from top of boxes).¹³ When the CBFC became active,

¹² CBFC Reply at p. 19-20.

¹³ Ex. 3 - Photographs of five boxes received from Mr. Lewis along with photographs of Federal Express shipping slips from Mr. Lewis to Ms. Littlepage. The five Federal Express slips show Box 1 of 5, Box 2 of 5, Box 3 of 5, Box 4 of 5 and Box 5 of 5.

Ms. Littlepage went through each of the boxes and reviewed the materials. None of the “allegedly missing” materials are in those boxes. She reported her findings to the CBFC. Ms. Littlepage will ship those boxes to Mr. Cloar. He can verify that fact for the rest of the CBFC.

(f) The CBFC relies upon Mr. Walker’s disbelief that Ms. Littlepage worked “more than 10,000 as many hours as he did” to justify cutting her time by 20,000 hours (to make her time 10,000 hours **LOWER** than Mr. Walker’s).¹⁴ But a simple comparison of Ms. Littlepage and Mr. Walker’s time quickly clears up any confusion. Mr. Walker, unlike Ms. Littlepage, did not take to trial fifteen hormone therapy cases all around the country, never conducted generic depositions (Ms. Littlepage did dozens), did not review tens of thousands of liability documents or create thousands of pages of time line and theme grids of those documents, had no administrative responsibilities, was not involved in recruiting, interviewing, training and supervising a team of law clerks to do document coding, did not organize over two dozen multi-day HRT conferences and had little responsibility for drafting discovery requests or supervising the common benefit evidence against the smaller defendants. In short, Mr. Walker – like Ms. Littlepage – was very active in briefing matters (pretrial, trial and appeal). But unlike Ms. Littlepage, Mr. Walker was not also responsible for being the hub of all information in the litigation. Mr. Walker’s perceptions of Ms. Littlepage’s time may thus be valid concerning her contributions to the briefing but has little to add as to the rest of her duties.

II. **Specific Allegations Raised by the CBFC**

The CBFC raises only a few actual criticisms of Ms. Littlepage’s time.

¹⁴ CBFC Reply at p. 22.

(a) Errors in Applicant's Submissions

The CBFC claims that, because there were less than 50 hours of errors in Ms. Littlepage's time, her entire submission should be discounted, all of her time taken away and she should be sanctioned.¹⁵ But there are errors in virtually every submission. Some applications have a few mistakes, others have many. Interestingly, the CBFC does not demand extrapolation for any of these mistakes (big or small) to tens of thousands of any other applicant's submitted hours, except for Ms. Littlepage. Rather every other mistake is downplayed as just a simple error. But Ms. Littlepage's errors are ramped up into evidence indicative of wide-scale fraud.

Luckily the group now has an independent auditor who can review this matter in detail. Some mistakes impact a law firm's bottom line. Other mistakes may not change an overall submission, even though they are clear errors. For example, Mike Williams' submission requests reimbursement for time spent following up on a roofing bid for his house, receiving an updated resume from a potential employee, detailing the partnership buy-in agreement for the law firm, planning a political rally, finding a criminal defense lawyer, getting photographs from an Argentinian private investigator and determining whether a firm employee was "using 'high-efficiency' detergent in their front loader washing machine."¹⁶ Obviously, it would be ridiculous to claim a few mistakes such as these - in a lengthy submission - is indicative of anything nefarious. But that is precisely what the CBFC claims for Ms. Littlepage while not making the same accusations against any other applicant.

¹⁵ CBFC Reply at p. 50 ("The egregiousness of Littlepage Booth's offenses warrants sanctions in the form of a reduced fee award or no fee award at all").

¹⁶ Ex. 4 - Examples of errors in Williams Love's time submission.

CBFC member Irwin Levin, for the month of February of 2010, produced no common benefit work. He billed solely for participating in the two Monday PSC and Governing Committee conference calls.

2/28/2010 IBL Conference call with steering committee; Larger conference call. 1.80 Hours

The problem is this call did not happen. No other PSC member attended such conference calls, not even Mr. Williams or his staff (who are responsible for hosting the call). And Mr. Levin obviously did not talk to himself for 1.80 hours. It is more likely that Mr. Levin attended conference calls on another Monday in February and incorrectly noted the date. But did this error make this CBFC question Ms. Levin's entire submission as being "similarly padded" or "a deliberate effort to evade the Committee's rules," as they did Ms. Littlepage?¹⁷ No. For Mr. Levin, the CBFC patted him on the back and rewarded him with a 19% increase in his time.

Similarly, Mr. Walker copied his submitted time so closely and extensively from Ms. Littlepage's time submission that he even included time spent on matters to which he was not involved and for having teleconferences with himself.¹⁸ And while the CBFC takes issue with the length of time Ms. Littlepage took to read a few court orders, Mr. Walker routinely copied Ms. Littlepage's time - and description - for reading orders.¹⁹ And sometimes, Mr. Walker billed more, double or even four times as much the time as Ms. Littlepage for the exact same matter, including for reading court orders, reviewing letters or attending the same meetings:

¹⁷ See CBFC Reply at p. 45 and 12.

¹⁸ Ex. 5 - 9-9-13 correspondence from Z. Littlepage to CBFC at p. 4-7.

¹⁹ Ex. 6 - Excerpts of Erik Walker's 2005 time showing multiple entries identical to Ms. Littlepage for review of court orders.

<i>Littlepage</i>	03/08/07	Order from Panel remanding class actions	0.10
<i>Walker</i>	03/08/07	Order from Panel remanding class actions ²⁰	0.4

<i>Littlepage</i>	05/24/06	Review of MDL Court order re: Harte Hanks	0.10
<i>Walker</i>	05/24/06	Reviewed Court order re: Harte Hanks	0.2

<i>Littlepage</i>	12/04/06	Review of MDL Court order on NIH and extension of time to respond	0.10
<i>Walker</i>	12/04/06	Reviewed court order on NIH and extension of time to respond	0.2

<i>Littlepage</i>	06/02/06	Reading MDL Court order re: Payne depo	0.10
<i>Walker</i>	05/30/06	Revised court order re: Payne depo	0.2

<i>Littlepage</i>	11/20/07	Reading and circulating order re: Zandi granting motion for reconsideration	0.10
<i>Walker</i>	11/20/07	Reviewed Minnesota judge's order on reconsideration	0.2

<i>Littlepage</i>	05/23/05	Editing draft of IMS Order and forwarding to court to signature	1.20
<i>Walker</i>	5/23/2005	IMS Order	1.5

<i>Littlepage</i>	08/30/07	Reading order re: preemption and mootng same; commenting	0.20
<i>Walker</i>	08/29/07	Reviewed judge Wilson's order denying motion for SJ on preemption in Scroggin	0.3

<i>Littlepage</i>	05/24/06	Reading letter from Wyeth dedesignating Tanner as an expert	0.10
<i>Walker</i>	05/24/06	Reviewed letter from Wyeth dedesignating Tanner as an expert	0.2

²⁰ Mr. Walker billed 24 minutes for reading a two paragraph order from the panel, see Ex. 7 - 3-7-07 order from JPML panel.

<i>Littlepage</i>	04/01/04	Washington DC Meeting: Chairing meeting with MDL Counsel	9.50
<i>Walker</i>	4/1/2004	All day HRT MDL meeting of exec. group- DC re: planning future litigation activities	11.0

Did these inaccuracies justify the CBFC calling Mr. Walker's application "grossly exaggerated" or "outright fabricated," as the CBFC does for Ms. Littlepage?²¹ No. The committee applauded Mr. Walker's efforts and gave him a 46% bonus increase.

Mr. Millrood, chair of the CBFC, submitted an application with glaring errors including **dozens** of days where the firm submitted more than 24 billable hours that he supposedly worked in a single day.²² Mr. Millrood also billed time for events never attended.²³ Did the CBFC call the validity of Mr. Millrood's entire time submission into dispute, as it does Ms. Littlepage's?²⁴ No. The CBFC called these mistakes simple "clerical errors" and emphasized that, once pointed out by Ms. Littlepage, the mistakes were corrected in an amended submission.²⁵ And Mr. Millrood was given a whopping 91% bonus increase of his time – including for the dozens of days with 28, 30 and 32 hours.

Ms. Littlepage could obviously go on and on pointing out mistake after mistake in the submission of each of the CBFC's voting bloc. But the point is this: if an error invalidated an entire submission, every CBFC member would be in trouble. What

²¹ CBFC Reply at p. 40 and p. 2.

²² Ex. 8 - Examples from submission of Pogust, Braslow & Millrood showing submissions of 25-34 hours.

²³ Ex. 9 -Email from T. Millrood re: unable to attend conference call on 4-20-09 and time billed for T. Millrood's attendance of 4-20-09 conference call.

²⁴ CBFC Reply at p. 4.

²⁵ CBFC Reply at p. 8.

cannot be appropriate is to hold one firm to a standard substantially different than the other applicant firms.

(b) Post 2010 trial time

The CBFC dedicates 15 pages of its pleading to criticizing Ms. Littlepage for time spent on active cases after January 1, 2010 (hereinafter “post 2010”), time the CBFC claims thus provided no common benefit. This issue is the true height of hypocrisy since, as detailed below, the CBFC members did the exact same – and worse. Plus every line item of Ms. Littlepage’s, detailed by the CBFC, is for commonly re-occurring issues which impacted all MDL plaintiffs. From updating outlines to summarizing depositions and trial testimony for experts, this work inured to the common benefit and Ms. Littlepage’s materials were circulated and relied upon by trial teams.

The committee also alleges that Ms. Littlepage tried to “disguise” this time as common benefit.²⁶ Nothing could be further from the truth. First, Ms. Littlepage clearly **and repeatedly** told the CBFC that she was including this time since other law firms had done the same. As she wrote the CBFC about this specific issue, “We will be asking Judge Wilson to consider those hours on the same basis that the CBFC (and the Court) considers the Provost Umphreys' submission. If Provost Umphreys gets credit for, for example, their courtroom time for their post-2010 trials, we want similar credit.”²⁷ That is all Ms. Littlepage has asked for: similar treatment.

²⁶ CBFC Reply at p. 25-40.

²⁷ Ex. 10 - 10-11-13- correspondence from Z. Littlepage to CBFC re: post 2010 trials; Ex. 11 - 9-13-13 response to CBFC audit - confidential (“Littlepage added the trial time for the post-2010 trials to its revised annual spreadsheet because other law firms submitted for similar time. For example, Provost Umphreys submitted for the time spent on the *Curtis* case and such time was approved by the Fee Committee auditor.”)

The CBFC voting bloc included thousands of hours for exactly such work in their submissions. Not only did they not get reprimanded, they got rewarded with bonuses. Voting bloc CBFC member Mike Williams' firm billed close to **500 hours** for the **pretrial** work-up of the 2010 *LaFerrara* case.²⁸ His firm also billed time for work-up of the *Adams* and the *Hines* case, as well as more than 78 hours for preparing and taking an expert deposition to be used **solely** for the 2011 *Hines* trial.²⁹ His firm's time was considered so important, it received a 38% bonus from the CBFC.

Mr. Ralph Cloar billed full trial weeks (seven hours per day) for "observing" the *Wilson* trial in October of 2010.³⁰ He did no actual work on the case, he just sat in the courtroom and watched. The CBFC takes Mr. Booth to task for billing any time during the *Wilson* trial (even though he actually handled the trial and questioned witnesses), but gave Mr. Cloar a 76% bonus for observing Mr. Booth's efforts.

Provost Umphrey billed **1,109.4 hours** for the 2011 *Curtis* case.³¹ Not only did the CBFC approve every hour of Provost's post-2010 bellwether time, but when the law firm objected to its initial allocation, the CBFC increased the firm's percentage by 36% as an additional bonus.³²

²⁸ Ex. 12 - Excerpts of Williams Love submitted time for LaFerrara.

²⁹ Ex. 13 - Excerpts of Williams Love submitted time re: Austin preservation deposition; Ex. 14 - Austin deposition in *Hines v. Wyeth*, 6-30-11 at p. 4-5. Wyeth stated on the record, at the start of this deposition, that the "trial-preservation deposition of Dr. Austin is limited in scope and purpose to the case of Mrs. Hines, which is proceeding to trial in the Southern District of Western Virginia on July 12th, 2011, due to Dr. Austin's stated unavailability for that trial" and the deposition would "not be used in any manner by Plaintiffs' Counsel, any member of the MDL plaintiffs' steering committee, or any other hormone therapy plaintiff in any trial other than the Hines case."

³⁰ Ex. 15 - Excerpts of Ralph Cloar time for 2010.

³¹ Ex. 16 - Excerpts of Provost Umphreys submitted time for 2011.

³² Ex. 17 - 10-29-13 CBFC Spreadsheet of final allocations showing a 36% increase from its original allocation for Provost Umphrey.

Mr. Walker, theoretically the author of the CBFC's recent filing, billed over **501 hours** in preparation for a single state court case in 2011.³³ That case did not go to trial: all of this time is for pretrial work. He called Ms. Littlepage's post-2010 billing "deceit," quite a charge from a lawyer who did the exact same thing himself.³⁴ Consider a few examples of Mr. Walker's hutzpah, although Ms. Littlepage could literally fill dozens of pages with additional ones.

Just to start at the beginning, the CBFC starts with refuting time spent by Ms. Littlepage to review an MDL order relating to Wyeth's profit margins.

Date	Description	Hours
07/01/12	Reading federal court order on profit margins; circulating	0.20

But then approves much more time for Mr. Walker to review similar profit margin pleadings in a state court case in Texas. Hard to imagine how one could have some common benefit while the other none.

4/9/2011	Completed drafting response to ghostwriting motion in limine; began researching and drafting response to omnibus motion in limine (other claimants, sales trends, IMS data, profit margin) (Choueifati)	12.5
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How about Mr. Walker's billing for the depositions of one of his client's treating physicians in late 2010? How could these uniquely case specific depositions convey common benefit? But approved the time was.

8/20/2010	Travel to and from Houston, preparation for and deposition of Dr. Joseph Spindler (Choueifati)	5.8
9/7/2010	Travel to and from, preparation for and deposition of Dr. Charles Conlon (Choueifati)	9.5

³³ Ex. 18 - Excerpts of Erik Walker's time for Choueifati.

³⁴ See CBFC Reply, Exhibit 2 at p. 9 (Littlepage and Booth appear to "think their trial prep and trial work so benefited everyone else that they can charge the majority of their work on individual cases not just in violation of the PPO 5 bolded and underlined prohibition).

9/9/2010	Travel to and from, preparation for and deposition of Dr. Nuhad Ibrahim (ChouEIFati)	6
9/10/2010	Travel to and from, preparation for and deposition of Dr. Arlene Ricardo (ChouEIFati)	8.3

The CBFC complains about time billed for post-2010 work regarding defense expert Dr. Laidley.³⁵

5/15/2012	review most recent deposition of Dr. Laidley; review and summarize; update expert files	1.80
	emails re Laidley and Acs	0.50

But then turns around and approves – as well as bonuses - Mr. Walker’s time for deposing the exact same expert, Dr. Laidley on her solely case specific opinions in a specific case.

12/2/2010	Preparation for and deposition of Allison Laidley (ChouEIFati)	1.4
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The CBFC alleges that time billed for plaintiff expert Dr. Waldron is *per se* fraudulent because, as a case specific expert, such work would have no common benefit application.

	telephone conference Waldron to send him new materials and to generally discuss cause theory	1.50
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But then happily rewards Mr. Walker for more than **21 hours** of case specific work with Dr. Waldron in a different post- January 2010 case.

8/17/2010	Preparation for deposition of Dr. James Waldron (ChouEIFati)	4.5
8/18/2010	Travel to Little Rock; meeting with Dr. James Waldron re: depo prep; continued preparation for deposition on own (ChouEIFati)	8.8
8/19/2010	Travel to deposition site; deposition of Dr. James Waldron; travel back home from deposition (ChouEIFati)	8.4

³⁵ CBFC Reply at p. 36

The CBFC asserts that responding to *Daubert* challenges to plaintiff's experts after 2010 – even in MDL bellwether trial set cases - is not appropriate for reimbursement.³⁶

07/10/12	Finalizing for filing responses to MDL expert challenges	5.60
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But then approves **92 hours** of Mr. Walker's time for responding to the exact same type of motions in a state court 2010 case:

12/21/2010	Preparation and research re: response to motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	6.5
12/22/2010	Continued preparation and researching re: response to motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	8
12/23/2010	Continued preparation and research for drafting response to motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	6
12/24/2010	Continued preparation and research for drafting response to motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	8.5
12/29/2010	Began drafting response to Robinson/Havner motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	4.2
12/30/2010	Continued drafting response to Robinson/Havner motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	6
12/31/2010	Completed first draft of response to Robinson/Havner motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	5.5
12/26/2010	Continued preparation and research for drafting response to motion to exclude testimony by Drs. Naftalis and Waldron	5.5
12/29/2010	Began drafting response to Robinson/Havner motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	4.2
12/30/2010	Continued drafting response to Robinson/Havner motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	6
12/31/2010	Completed first draft of response to Robinson/Havner motion to exclude testimony by Drs. Naftalis and Waldron (ChouEIFati)	5.5
1/2/2011	Reviewed and outlined defendants' motion to exclude testimony of Drs. Parisian, Blume and Austin; preparation and research for response; began drafting response (ChouEIFati)	8.5
1/3/2011	Continued preparation and research of response to exclude testimony of Drs. Parisian, Blume and Austin; continued drafting response; completed first draft (ChouEIFati)	5.2

³⁶ CBFC Reply at p. 32-35.

1/5/2011	Completed drafting response to motion to exclude testimony of Drs. Hollon and Fugh-Berman (Choueifati)	3.7
1/5/2011	Edited and revised response to exclude testimony of Drs. Parisian, Blume and Austin (Choueifati)	1
1/6/2011	Reviewed and outlined defendants' motion to exclude testimony of Dr. Maloney; preparation and research for response; drafted response (Choueifati)	3.5
1/17/2011	Reviewed and outlined defendants' response to plaintiff's motion to exclude evidence that E+P does not cause breast cancer generally; researched and drafted reply to response (Choueifati)	2.3
	Reviewed and outlined defendants' reply re: Hollon motion (Choueifati)	0.2
	Reviewed and outlined defendants' reply re: Maloney motion (Choueifati)	0.1
	Reviewed and outlined defendants' reply re: motion on Naftalis and Waldron (Choueifati)	1
	Reviewed and outlined defendants' reply re: motion on Blume, Parisian and Austin (Choueifati)	0.5

And also approved the same type of pleading work for Mr. Williams in the 2011 *Hines* case:³⁷

5/31/2011	MLW	0.9	Draft response motion to exclude Tilley/Austin on OMP
6/9/2011	MLW	1.7	Draft response to Pfizer's attack on Austin opinion on OMP
6/10/2011	MLW	1.1	Work on drafting brief opposing motion to include Tilley & Austin
6/10/2011	MLW	1.2	Edit and add to brief opposing Wyeth attack on Tilley & Austin
6/11/2011	MLW	0.7	Continue drafting and editing Tilley and Austin briefs
6/11/2011	MLW	0.6	Edit brief opposing Pfizer motion to exclude Austin and Tilley

And approved identical time for Mr. Walker in the 2011 MDL *Curtis* case even though Mr. Walker "hid" his time by calling it work on a "general template."³⁸

9/24/2011	Worked on response to motion to exclude Parisian and Blume (general template)	5.2
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³⁷ Ex. 19 - 6-13-11 filing by Plaintiff in *Hines v. Wyeth*, responding to *Daubert* challenges to Drs. Tilley and Austin.

³⁸ The *Curtis* response to the identified motion was filed two days later, see Ex. 20 - 9-26-11 Plaintiff Gloria Curtis' response to Wyeth's motion to exclude Parisian and Blume.

For Ms. Littlepage, the CBFC is quick to call such conduct intentional deceit. For Mr. Walker, the CBFC will likely come up with a different title such as “clerical error.”

It is deceit when Ms. Littlepage responds to a motion challenging plaintiff’s expert Dr. Fugh Berman in the MDL.

07/13/12	Finalizing Fugh Berman response for MDL	3.80
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But compensable work when Mr. Walker does the exact same work for a state court case.

1/3/2011	Review recent briefs on Dr. Hollon and Dr. Fugh Berman	0.8
1/5/2011	Completed drafting response to motion to exclude testimony of Drs. Hollon and Fugh-Berman (Choueifati)	3.7

The CBFC claims that Ms. Littlepage’s work on updating deposition designations of the key Wyeth corporate representatives in the litigation – for use by all trial teams in the country – is not common benefit.³⁹ This position totally ignores the fact that the Marder, Payne and Cobb depositions were designated by virtually every trial team, this work clearly benefitted plaintiffs as a whole and these precise deposition excerpts were actually used, over and over again, in trials. These were three of the most important deposition designations in the litigation.

01/23/10	Redoing Marder designations and response to objections	1.20
01/23/10	Working on new Charles Payne designations	2.90
01/24/10	Redoing Cobb deposition designations and objections	1.10
01/28/10	Reviewing final Payne designations	1.10

In contrast, the CBFC approved **28 hours** of Mr. Walker’s time for cutting the depositions of his own plaintiff and her treating physicians for trial, an exercise that

³⁹ CBFC Reply at p. 29.

could never benefit anyone but Mr. Walker's specific plaintiff. And in a case that settled before trial even began.

3/11/2011	Began preparing plaintiff's deposition designations (Boutros, Ibrahim) (Choueifati)	3
3/12/2011	Continued preparing plaintiff's deposition designations (Farha, Conlon, Booser, Choueifati (preservation), Choueifati (2005—reviewed deposition; no excerpts) (Choueifati)	6.2
3/20/2011	Continued preparing plaintiff's counter-designations, optional completeness designations and objections to defendants' depo designations (Conlon, Farha, Spindler, Inbrahim, Boutros)	9.2
3/21/2011	Continued preparing plaintiff's counter-designations, optional completeness designations and objections to defendants' depo designations (Ricardo, began Choueifati, May 21, 2009)	3.5
3/23/2011	Completed preparing plaintiff's counter-designations, optional completeness designations and objections to defendants' deposition designations (completed Choueifati, May 21, 2009, Choueifati, Oct. 27, 2005)	7

And so it goes on. The CBFC claims that Ms. Littlepage inappropriately billed time for reviewing subpoenas for Overton Anderson (a lawyer for prescribing physicians in Arkansas). The CBFC asserts this work is case specific, trial-based and thus "not common benefit work."⁴⁰

07/24/12	Motion to quash subpoena of Overton Anderson, reviewed and commented on	1.10
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But Mr. Walker and Mr. Williams loaded up their submissions with exactly such time. Mr. Williams freely billed for his preparation time and the taking of the Overton Anderson deposition, a deposition captioned only in the specific cases.⁴¹

8/30/2010	MLW	0.9	Draft subpoena to Overton Anderson RE: obstruction of justice and serve on Lane Heard
8/30/2010	MLW	0.4	Send subpoena to Overton Anderson and emails RE: Logistics of getting files
8/31/2010	MLW	0.4	Numberous emails setting up Overton Anderson depo

⁴⁰ CBFC Reply at p. 32.

⁴¹ Ex. 21 - Deposition transcript of Overton Anderson, 9/10/10.

9/3/2010	MLW	0.3	Emails to Overton Anderson to arrange his depo RE: obstruction of justice
9/7/2010	MLW	0.3	Organize Overton Anderson depo plan
9/8/2010	MLW	1.1	Prep exhibits and outline for Overton Anderson's depo
9/9/2010	MLW	1.7	Review 6 files of materials sent by Overton Anderson and select and organize for his deposition
9/9/2010	MLW	1.2	Draft detailed subpoenas to Overton Anderson for depo and trial
9/10/2010	MLW	0.7	Emails summarizing key facts RE: obstruction scheme and outline of additional discovery
9/10/2010	MLW	2.9	Take Overton Anderson's depo (and prep for it)

Mr. Walker's time does the same.

8/30/2010	Overton Anderson discussion with Z. Littlepage and R. Booth	0.5
9/8/2010	Telephone hearing Overton Anderson + prep	3.2
10/4/2010	Working on response to bar testimony of Anderson and Himmberg (overton anderson issue for MDL)	4.7
10/5/2010	Further work on state volunteer, Overton Anderson issue for MDL + attend hearing on issue	4.2
10/6/2010	Prep for Himmelberg telephone hearing	0.8
10/7/2010	Attend Himmelberg telephone hearing for MDL	1.0
10/12/2010	HT email with N. Hanberry re Himmelberg issue	0.4
10/25/10	Worked on research for Wyeth's reimbursement scheme (overton Anderson) + emails with L. Heard and Z. Littlepage re same	3.2

The CBFC may well change its tune now and claim that work in individual cases – but which have a communal benefit – should be counted. Ms. Littlepage agrees. While time for organizing deposition designations for a specific plaintiff seems unlikely to provide common benefit, working with a recurring expert to update or improve his trial presentation or amending the draft responses used to combat expert challenges, certainly would. But if this type of work by CBFC members is common benefit, then the same rationale must apply to Ms. Littlepage's common benefit work that was performed under the same or similar circumstances. What is good for the goose cannot be acid for

the gander. After all, what uniform criteria can the CBFC now claim to have used when it privately approved every other firm's substantially similar application, but publicly decried Ms. Littlepage's as a fraud?

(c) Dr. McCorvey's January 2012 Deposition

The CBFC refutes Ms. Littlepage's time for preparing and presenting an Ob / Gyn expert for his generic deposition on January 7, 2012.⁴² The CBFC claims that this deposition did not cover Dr. McCorvey's generic opinions, but rather was a case specific deposition. Perhaps the CBFC could have taken a few minutes to just scan the actual deposition before flinging out such accusations.

Dr. McCorvey was a liability expert who issued both a generic expert report⁴³ as well as some case specific expert reports in individual cases.⁴⁴ Dr. McCorvey was brought into the litigation by the Beasley Allen team but Ms. Littlepage helped this firm work with Dr. McCorvey on his expert reports as well as to prepare him for his generic deposition. The CBFC's allegation is incorrect for a number of reasons.

First, this deposition did not involve – and cannot have involved - case specific issues since Dr. McCorvey had no case specific opinions about Ms. Bieber.⁴⁵ He clearly states this in the deposition at issue. The caption to Dr. McCorvey's generic deposition was the *Bieber* case solely because that was the case in which Wyeth first issued the deposition notice as Dr. McCorvey's generic expert report was first served on Wyeth through that case. Ms. Littlepage had no fee interest in the *Bieber* case. She did

⁴² Ex. 22 - Deposition transcript for Dr. McCorvey, 1-7-12.

⁴³ Ex. 23 - Generic expert report of Dr. McCorvey.

⁴⁴ See, for example, Ex. 24 - Case specific expert report for Dr. McCorvey in *Lynn v. Wyeth*.

⁴⁵ See Ex. 22 - Deposition transcript for Dr. McCorvey, 1-7-12 at p. 169:15-21 (Dr. McCorvey confirms that he has no case specific opinions about Ms. Bieber).

not prepare Dr. McCorvey and present him for deposition on that day as a favor to any lawyer. She did it because this was Dr. McCorvey's generic deposition and Wyeth would – under the rules of the HRT litigation – get only one seven hour generic deposition of the witness.⁴⁶ Ms. Littlepage also prepared for – and conducted – a direct examination of Dr. McCorvey at this deposition about the basis and methodology for his generic opinions, in order to combat anticipated *Daubert* challenges.

Second, the plaintiffs actually fought for the right to have Dr. McCorvey testify about his case specific opinions, in another case, at this deposition - and lost. The federal court ruled in Wyeth's favor that the drug company could ask questions at the January 7, 2012 deposition only about Dr. McCorvey's generic opinions and the plaintiffs had to re-present Dr. McCorvey for a second deposition on his case specific opinions.⁴⁷

Third, Dr. McCorvey was designated as a generic expert in dozens of cases by a number of different MDL lawyers, including the Beasley Allen team. He never had to sit for another generic deposition because the January 7, 2012 deposition was his generic deposition.

⁴⁶ Ex. 25 - 3-11-06 agreement of the parties, Paragraph 10 and 11 (Parties get one seven hour deposition of an expert and any subsequent depositions of the same expert on new case specific opinions is limited to 2 hours); Ex. 26 - 6-14-10 correspondence from Wyeth's counsel agreeing that once an expert has been generically deposed, subsequent depositions on case specific issues are limited to 2 hours.

⁴⁷ Ex. 27 - Order granting Wyeth's request for separate two hour deposition for case specific opinions, *Lynn v. Wyeth*, 1-10-12. Dr. McCorvey's first case specific report (in the *Lynn v. Wyeth* case) was issued before January 7, 2012. The *Lynn* plaintiff thus cross-noticed the January 7, 2012 deposition and demanded that Wyeth ask Dr McCorvey about both his generic report as well as his case specific opinions in *Lynn* at that deposition. Wyeth refused. Wyeth demanded first a seven hour generic deposition (solely for questions about his generic report) and then separate two hour case specific depositions for each case in which Dr. McCorvey had case specific opinions. The plaintiffs litigated and lost that issue.

(d) Time submitted for April Cowgill

The CBFC voting bloc raises two issues relating to Ms. Cowgill's time. First, the CBFC claims there are mistakes in her submitted time. But that is not due to Ms. Littlepage's lack of trying. April Cowgill did not create her own time before she left her job with Ms. Littlepage and went to work for Erik Walker (another CBFC member). Ms. Littlepage was thus forced to recreate Ms. Cowgill's time from emails, receipts etc. Ms. Littlepage thus sent Ms. Cowgill the recreated time for her review and edits before it was submitted. Ms. Cowgill was apparently very busy at that time creating Mr. Walker's time submission and provided no edits. But now, Mr. Walker claims there are errors in four days of Ms. Cowgill's time over a 10 year period. However, removing even two dozen hours from the contested four days, for Ms. Cowgill to play with her child in the snow, has no impact on the Littlepage Firm's submission.

Second, the CBFC claims that Ms. Littlepage should get no credit for Ms. Cowgill's time after late 2008. Starting in November of 2008, the HT Litigation Fund paid a portion of the total cost for April Cowgill. Ms. Littlepage thus credited the Fund for that percentage or portion of her hours. Ms. Littlepage only requested reimbursement for the percentage of hours (claimed for April Cowgill from November 2008 until the end of 2012) that the Littlepage Firm actually paid for.

2008: Fund paid: 12% / Littlepage paid: 88%
2009: Fund paid: 70% / Littlepage paid: 30%
2010: Fund paid: 65% / Littlepage paid: 35%
2011: Fund paid: 33% / Littlepage paid: 67%
2012: Fund paid: 32% / Littlepage paid: 68%

Rejecting this compromise, the CBFC demands that all of Ms. Cowgill's time be removed. Yet, in a stunningly disingenuous act, Mr. Williams (a CBFC voting bloc

member) submitted for credit for a portion of Ms. Cowgill's time. His claim is that because he contributed to the HT Litigation Fund generally, he deserves credit for that percentage of Ms. Cowgill's time. So on one hand, the CBFC claims Ms. Littlepage should not be entitled to even one hour of credit for Ms. Cowgill's time because the fund paid for a portion of her compensation, even though Ms. Littlepage paid as much as 68% of Ms. Cowgill's total compensation in certain years. But on the other hand, the CBFC allows Mr. Williams to claim a portion of this same time solely because he contributed money generally to the HT Litigation Fund.⁴⁸ Other than for retribution, why would Mr. Williams' claim be valid and Ms. Littlepage be "entitled to no hours."⁴⁹

(e) Working while on vacation

Since vacation was a priority to Ms. Littlepage, she opted to work long, hard hours in order to take time off each year. Her time submissions reflect weeks off work annually. However, last-minute litigation needs often did interfere with her pre-booked vacation plans. Ms. Littlepage thus provided copies of emails, metadata from her computer as well declarations from people on the challenged vacations to verify the accuracy of her submission. The CBFC does not allege that the work Ms. Littlepage did while on vacation is inappropriate, or that the work did not occur, or that someone else did the work. The emails billed for did get circulated, the conference calls did occur and the pleadings did get filed. Instead, the CBFC asserts that Ms. Littlepage's time is suspect (and should be reduced) solely because she was on vacation. That makes no sense. And in its recent pleading, the CBFC's main complaint is that Ms. Littlepage got

⁴⁸ Ex. 28 - Williams Love annual summary spreadsheet showing claim for percentage of April Cowgill's time; Ex. 29 - 10-28-13 correspondence from Z. Littlepage to CBFC re: Mike Williams' submission.

⁴⁹ CBFC Reply at p. 46.

declarations from two friends to verify her time. But who else do people go on vacation with except friends and family? It would be hard to imagine getting a declaration from a total stranger to confirm Ms. Littlepage’s work habits while on vacation.

(f) Reasonableness of Billing Time

It is important to emphasize that – with a few exceptions – the CBFC does not contend that Ms. Littlepage took too long to complete tasks. This is likely because her efficiency at producing work is remarkable when compared to the other applicants. Indeed, Ms. Littlepage welcomes a thorough and detailed audit review from the Special Master as well as a comprehensive comparison of her time submission with any other CBFC member’s application. Because even a quick review of her submission confirms that Ms. Littlepage actually under-billed for much of her time. For example, Ms. Littlepage found multiple examples where she billed 0.10 of an hour for creating an email, and reading all responses to such email, while CBFC members such as Mr. Williams’ firm billed as much as 5.6 hours for reading the same email and its progeny.⁵⁰

LITTLEPAGE’S BILLED TIME FOR EMAIL AND ALL RESPONSES

01/16/04	Email re: Actual HIPPA language	0.10
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WILLIAMS, LOVE TIME BILLED FOR READING THE SAME EMAIL AND RESPONSES

Date	Initial	Time	Description
1/16/2004	BSC	0.1	E-Mail RE: Actual HIPPA To: From: Zoe Littlepage
1/16/2004	KMD	0.1	E-Mail RE: Actual HIPPA To: From: Zoe Littlepage
1/16/2004	MLW	0.1	E-Mail RE: Actual HIPPA To: From: Zoe Littlepage
1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From:
1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From:
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: erik

⁵⁰ Ex. 30 - Examples from Williams Love submission re emails.

1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From: erik
1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From: erik
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: erik
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: erik
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: erik
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: Kathleen Dailey
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: Kathleen Dailey
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: Kathleen Dailey
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: Kathleen Dailey
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: Kathleen Dailey
1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From: Mike Williams
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: Mike Williams
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: r jenner
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: r jenner
1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From: r jenner
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: r jenner
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: r jenner
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: r jenner
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: r jenner
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: s zaller
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: s zaller
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: s zaller
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: s zaller
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: Shawn Khorrami
1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From: Shawn Khorrami
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: Shawn Khorrami
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: Shawn Khorrami
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: Shawn Khorrami
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: Tobias Millrood
1/16/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: From: Tobias Millrood
1/16/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: From: Tobias Millrood
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: Tobias Millrood
1/16/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: From: Tobias Millrood
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: Tobias Millrood
1/16/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: From: Tobias Millrood
1/17/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: Tobias Millrood; r jenner; Prempro PI Track (E-mail) From: erik
1/17/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: Tobias Millrood; r jenner; Prempro PI Track (E-mail) From: erik
1/18/2004	BSC	0.1	E-Mail RE: FW: Actual HIPPA To: r jenner; Prempro PI Track (E-mail) From: Tobias Millrood

1/18/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: s zaller
1/18/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: s zaller
1/18/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: s zaller
1/18/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: s zaller; erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From:
1/18/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: s zaller; erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: erik
1/18/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: s zaller; erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: erik
1/18/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: s zaller; erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: erik
1/18/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: s zaller; erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: Leslie O'Leary
1/18/2004	BSC	0.1	E-Mail RE: RE: Actual HIPPA To: Tobias Millrood; r jenner; Prempro PI Track (E-mail) From: erik
1/18/2004	MLW	0.1	E-Mail RE: RE: Actual HIPPA To: Tobias Millrood; r jenner; Prempro PI Track (E-mail) From: erik
1/19/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: s zaller
1/19/2004	LWO	0.1	E-Mail RE: RE: Actual HIPPA To: Leslie O'Leary From: erik
1/19/2004	KMD	0.1	E-Mail RE: RE: Actual HIPPA To: s zaller; erik; PremproMDLPITrack@preprocounsel.com; r jenner; Tobias Millrood From: erik
		5.6	TOTAL TIME BILLED

III. Expenses

Ms. Littlepage has already fully documented her common benefit expense submission. The CBFC provides no support for its unilateral decision to not approve

those expenses, while approving the same or similar expenses from the CBFC voting bloc firms. Again, all Ms. Littlepage asks for is uniformity and consistency.

DATED: December 17, 2013.

Respectfully submitted,

/s/ Zoe Littlepage

Zoe Littlepage, #12896

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Facsimile: 713-529-8044

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of December, 2013, a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which forwarded a true and correct copy by e-mail to the following parties:

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All Common Benefit Applicant Firms

/s/ Zoe Littlepage
Zoe Littlepage