

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

**IN RE: ORTHO EVRA PRODUCTS  
LIABILITY LITIGATION**

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**N.D. Ohio Case No. 1:06-40000**

**MDL Docket No. 1742**

This Document Relates To:

**ALL CASES.**

**MOTION TO INTERVENE and  
MOTION TO ENFORCE CMO 9  
CASE ASSESSMENT PROVISIONS**

Synbar Cumar, Martha Diaz, Melissa Dyer, Renee Fitzgerald, Laura Gyenes, Shell Hadnot, Ilonda Hulett, Crystal Lanphere, Paula Lawber, Natira Lyons, Elizabeth McCalvy, Kenee Moore, Mary Munsey, Allison Pace, Felicia Perez, Keisah Perrenoud, JoAnn Pfeiffer, Francesca Pizzarello, Deanna Rock, Jacqueline Simpkins, Candice Sommerfeld, Katie Swisher, Ann Thomas, Michelle Thompson and Linda Topczewski (“State Court Claimants”) move the Court to grant them leave to intervene in these proceedings to challenge a decision by Plaintiffs’ Steering Committee co-lead counsel, Janet Abaray to assess fees and expenses against their state court case settlements pursuant to Case Management Order No. 9.

State Court Claimants further move the Court to revoke the assessment.

A supporting memorandum accompanies this motion.

Respectfully submitted,

/s/ Erik B. Walker  
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**CERTIFICATE OF CONFERENCE**

On December 21, 2008, I conferred with Janet Abaray, co-lead counsel of the MDL PSC regarding this motion. We discussed Ms. Abaray's reasons for issuing a withholding instruction to J&J and State Court Claimants' reasons for opposing an assessment. We were unable to resolve the conflict.

/s/ Erik B. Walker  
Erik B. Walker

**CERTIFICATE OF SERVICE**

On December 24, 2008, I served the following Motion to Intervene and Motion to Enforce CMO 9 Case Assessment Provisions on the following parties via e-mail:

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Respectfully submitted,

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