

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

**IN RE:** : **MDL DOCKET NO. 4:03-CV-1507-WRW**  
: **PREMPRO PRODUCTS LIABILITY** :  
: **LITIGATION** : **ALL CASES**

**ORDER**

The Common Benefit Fee Committee’s (“CBFC”) Unanimous Motion for Percentage Allocation of Common Benefit Fund and for Second Disbursement of Funds (Doc. No. 3287) is GRANTED to the extent set out below.

This is the second order for distribution of funds from MDL 1507 Fee and Cost Trust Account (“Common Benefit Fund”). The first order directed the distribution of funds to reimburse the attorneys providing work for the common good of all plaintiffs (“Common Benefit Work”) for the capital contributions they made and expenses they incurred in performing such work (*i.e.*, their out of pocket costs).<sup>1</sup> This order distributes most of the remaining Common Benefit Fund to the attorneys as fees for their Common Benefit Work, reserving only a “Holdback Fund,” as described below.

The CBFC’s purpose was to assess and make recommendations regarding disbursement of the Common Benefit Fund. As the MDL proceedings began to wind down, the CBFC invited all participating attorneys to apply for compensation for any Common Benefit Work they performed. The CBFC scrutinized the applications and made preliminary recommendations. All firms were invited to accept or object to these recommendations. The Honorable James M. Rosenbaum was appointed as Special Master to assist in resolving any disputes among MDL

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<sup>1</sup>Doc. No. 3286.

attorneys regarding the allocation of fees. Ultimately, the CBFC unanimously recommended the allocation of fees described below, and no objections have been filed.

Accordingly, the CBFC's recommendation is adopted and the Trustee of the MDL 1507 Fee and Cost Trust Account is directed to forthwith pay the following amounts to each of the corresponding law firms below:<sup>2</sup>

Alley & Ingram	\$49,217.98
Ashkin, Roberta	\$21,805.44
Aylstock Witkin	\$158,868.18
Bailey & Galyen	\$65,416.31
Beasley Allen	\$1,941,929.84
Brent Coon & Assoc. (Jim Morris)	\$2,242,844.86
Brooks Law Firm	\$558,219.16
Bubalo & Hestand	\$213,070.26
Bush Lewis	\$38,003.76
The Calwell Practice	\$104,043.08
Cloar Law Firm	\$1,892,711.85
Cohen & Malad	\$2,106,405.13
Eisenberg Rothweiler	\$21,805.44
Fenner & Boles	\$250,004.05
Finkelstein & Partners	\$800,012.91
Hausfeld, LLP/Cohen Millstein	\$1,611,773.41
Hissey Kientz & Herron	\$9,122,901.46

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<sup>2</sup>These totals were derived from the percentages for each firm identified in column 2 of Appendix A of Doc. No. 3288, subject to the adjustment described in Doc. Nos. 3294 and 3296.

Holt, Gary / Eubanks & Associates	\$328,327.57
Janet Jenner & Suggs	\$4,529,923.60
Khorrani Pollards	\$77,001.21
Klein Lyons	\$27,412.55
Leeseburg & Valentine	\$43,610.87
Littlepage Booth	\$21,805,436.10
Pittman Hooks	\$158,868.18
Pollack & Flanders	\$65,416.31
Pogust, Braslow & Millrood	\$5,635,147.70
Provost Umphrey	\$995,573.91
Brown & Szaller	\$1,772,470.45
Ury Moskow	\$186,280.73
Miller & Curtis/Morgan Weisbrod	\$1,000,020.57
White & Wetherall	\$957,570.15
Williams Daily O'Leary	\$5,755,389.11
Edward Williamson	\$43,610.87

The Trustee should issue checks using the same firm names he used in making the previous distribution of funds unless CBFC member, Ralph Cloar provides a different name or address within three calendar days of this order.

The funds remaining in the Common Benefit Fund after this disbursement will constitute the Holdback Fund. The Holdback Fund will be used to correct any errors made in allocation and to pay for the fees and expenses associated with the work of the Special Master and the

CBFC, with payments to the latter subject to certain agreements made among the CBFC members.<sup>3</sup>

The Trustee is directed to disclose the amount and source of any future deposits to MDL 1507 Fee and Cost Trust Account to Ralph Cloar of the CBFC within 10 days of the deposit to facilitate the CBFC's timely filing of future motions for disbursement.

IT SO ORDERED this 1st day of August, 2014

/s/ Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup>See Doc. No. 3288, Exhibit 1.