

**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** :
LITIGATION :

ORDER

The attached recommendation from the Special Master is APPROVED. Accordingly, the Trustee of the Common Benefit Fund is authorized to disburse funds from the Common Benefit Fund as set out in the attached recommendation.

IT IS SO ORDERED this 9th day of September, 2015.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

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

MDL Docket No. 4:03-CV-1507-BRW

In Re: Prempro Products)
Liability Litigation)

RECOMMENDATION TO MDL COURT

As the Special Master appointed to resolve disputes regarding Common Benefit Fees in the *In re Prempro* litigation, I recommend that the Court disburse the fees and expenses identified below to each of the firms on the Common Benefit Fee Committee ("CBFC"). These fees and expenses are principally for the work performed in resolving the dispute between the CBFC and the objectors (Littlepage Booth and The Wetherall Group). Pursuant to the settlement agreement into which these parties entered, I am to approve any request for fees and expenses by an individual firm that exceeds \$150,000.¹

The CBFC filed its original motion for compensation on June 23, 2015 because the committee's recommendation involved three firms being compensated in excess of \$150,000. Though the CBFC

¹The settlement agreement limited Littlepage Booth to fees and expenses of \$100,000. Erik Walker ultimately agreed that Hissey Kientz would waive its claim to fees and expenses for work performed before the Court awarded Mr. Walker compensation beyond that which the CBFC had recommended as part of a settlement agreement he reached with the CBFC. (Document Nos. 3289 (July 17, 2014) and 3299 (August 1, 2014) Thus, the allocation to Hissey Kientz is limited to work performed after August 1, 2014, primarily briefing and argument on the issue of whether the State of Nevada's settlement with certain hormone therapy defendants should be subject to the three percent state court case assessment of Common Benefit Fees.


transmitted this motion to all firms entitled to receive Common Benefit Fees, no firm objected to the CBFC request. Nevertheless, I found some of the initial fees requested to be excessive and instructed the committee to adjust those requests downward during a telephone hearing on July 16, 2015. The CBFC complied and submitted a revised request which I found acceptable. I announced my acceptance of this July 16th proposal during a second telephone hearing held on July 28, 2015. The CBFC moved that I make a recommendation to this Court to accept this disbursement of fees and expenses on August 29, 2015.

I recommend that the Court make the following awards to firms represented on the CBFC:

Littlepage Booth \$100,000
Hisey Kientz, L.L.P. \$ 34,400
Clear Law Firm \$120,600
Janet, Jenner & Suggs \$ 57,250
Pogust, Braslow & Millrood \$250,000
Cohen & Malad \$222,750
Williams Dailey O'Leary \$250,000

Total \$1,035,000

Signed this 9th day of September, 2015.



Honorable James M. Rosenbaum