

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

IN RE: ORTHO EVRA PRODUCTS
LIABILITY LITIGATION

N.D. OHIO Case No. 1:06-40000

MDL Docket No. 1742

This Document Relates To:

ALL CASES.

**ORDER APPROVING AWARD
AND ALLOCATION OF
COMMON BENEFIT FEES**

This matter is before the Court on the Plaintiffs' Executive Committee's ("PEC's") Motion for Award and Allocation of Common Benefit Fees (Doc. No. 381) and Memorandum in Support (filed under seal). This Court has jurisdiction pursuant to 28 U.S.C. § 1332.

DISCUSSION

Under Second Amended Case Management Order No. 9 ("CMO 9") (Doc. No. 50), this Court may authorize reimbursement of attorney's fees incurred by Plaintiffs' counsel performing legal services for the common benefit of all of the plaintiffs in the MDL. CMO 9 at pp. 8-10. Pursuant to CMO 9, "[t]he Court shall receive and consider recommendations of Plaintiffs' Executive Committee concerning the distribution of the Common Benefit Fund." *Id.* at p. 9.

On October 2, 2009, the PEC filed their Motion for Award and Allocation of Common Benefit Fees and Memorandum in Support. The work performed by the common benefit firms was extensively documented and supported in the PEC's Memorandum in Support, and the PEC's recommendations as to an award and allocation for each common benefit firm was detailed and listed on Exhibit C to the PEC's Memorandum. This Court subsequently Ordered that all objections be filed no later than October 19, 2009 (Doc. No. 385).

Having considered the PEC's Motion and supporting memorandum, and having received no objections from common benefit counsel, the Court hereby finds the PEC's Motion to be well

taken and Orders reimbursement of common benefit fees for the PEC, PSC, and common benefit firms as recommended as listed on Exhibit C of the PEC's Memorandum in Support which was filed under seal.

IT IS SO ORDERED.

s/ David A. Katz
U. S. DISTRICT JUDGE

October 20, 2009