

**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:

**ORDER REGARDING MDL  
COMMON BENEFIT ASSESSMENT**

ALL CASES.

On July 23, 2009, this Court entered Third Amended Case Management Order No. 9, which increased the MDL common benefit fund assessment from 3% to 6%. (Doc. No. 375)

The purpose of this Order is to clarify that the increased 6% assessment applies *only* to those cases designated as “post label” cases. As to those cases designated as “pre label” cases, whether already existing or newly filed in the MDL, the increased assessment does not apply. Instead, the 3% MDL assessment still applies. All other provisions of Third Amended CMO 9 shall remain unchanged.

Furthermore, at the time defense counsel deposits any MDL assessment monies into the Common Benefit Fund, defense counsel shall identify those cases designated as “post label” cases versus “pre label” cases. Additionally, Kevin Gilmore, the Court-appointed escrow agent of the Common Benefit Fund is directed to maintain separate accounts for “pre label” and “post label” cases and shall maintain an overall accounting indicating whether a particular deposit made was for settlement of a “pre label” case versus a “post label” case.

**IT IS SO ORDERED.**

Dated October 21, 2009

*s/ David A. Katz*

DAVID A. KATZ  
U.S. DISTRICT JUDGE