

**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 Applies to:

ORDER

ALL CASES.

This matter is before the Court on Petitioners' Motion for Reimbursement of Common Benefit Fees for Post Label Work filed on March 7, 2012. The Court's jurisdiction is predicated under 28 U.S.C. § 1332.

DISCUSSION

Petitioners are members of the Plaintiff's Steering Committee for Post Label Cases ("Post Label PSC"), which the Court appointed on July 23, 2009 for the specific purpose of pursuing post label issues in this MDL. At this point in the litigation, the Court has approved all common benefit fees and expenses for work related to pre-label issues. On July 20, 2010, the Court also granted the Post Label PSC's motion for reimbursement of common benefit expenses related to post-label issues. The Court has not yet awarded common benefit fees for work related to post-label issues. This is the Post Label PSC's first request for reimbursement of common benefit fees for post label work.

As noted by the Post Label PSC and by the Court, under Amended Case Management Order ("CMO") No. 9 (Doc. No. 50), the Court may allow "payments to be made from the Common Benefit Fund to attorneys who provide services or incur expenses for the joint and common benefit of plaintiffs in addition to their own client or clients."

The current motion by the Post Label PSC is for reimbursement of common benefit fees for work related to the development of post-label issues. In support of their request, the Post Label PSC has provided the Court with documentation to justify an award of common benefit attorneys' fees for post-label work.

The Court has reviewed the motion and attachment in support of the request for common benefit fees. In the absence of any objection, the Court finds the motion to be well-taken. Accordingly, the Post Label PSC's motion for reimbursement of common benefit fees for post-label work (Doc. No. 478) is granted in the amount of \$950,000.00.

IT IS SO ORDERED.

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