

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 08-MD-01928-MIDDLEBROOKS

IN RE TRASYLOL PRODUCTS LIABILITY
LITIGATION

This Document Applies to:
ALL CASES

PRETRIAL ORDER NO.

A Joint Application for Appointment of Plaintiffs' Steering Committee has been filed with the Court. The Court, after having reviewed the applications and carefully considering the matter, hereby appoints the following members to the Plaintiffs' Steering Committee (PSC):

Mr. James Ronca (Co-Lead Counsel)
ANAPOL, SCHWARTZ, P.C.
1710 Spruce Street
Philadelphia, PA 19103

Mr. Marc Bern
NAPOLI BERN RIPKA, LLP
115 Broadway, 12th Floor
New York, NY 10006

Mr. Scott Love (Co-Lead Counsel)
Fleming & Associates, L.L.P.
1330 Post Oak Blvd., Suite 3030
Houston, Texas 77056

Mr. Fred Thompson
MOTLEY RICE, LLC
P.O. Box 1792
Mt. Pleasant, NC 29405

Mr. Douglas Monsour
MONSOUR LAW FIRM
P.O. Box 4209
Longview, TX 75606

Mr. Neil Overholtz
AYLSTOCK, WITKIN, KREIS & OVERHOLTZ, PLLC
803 North Palafox Street
Pensacola, FL 32501

Mr. Brian Barr
LEVIN, PAPANTONIO, THOMAS, MITCHELL,
ECHSNER & PROCTOR, P.A.
P.O. Box 12308
Pensacola, FL 32501

Mr. John Carey
CAREY & DANIS, LLC
8235 Forsyth Blvd, Suite 1100
St. Louis, MO 63105

Mr. Brian Turner
CORY, WATSON, CROWDER & DEGARIS, P.C.
2131 Magnolia Avenue
Birmingham, AL 35205

Mr. David Matthews
MATTHEWS & ASSOCIATES
2905 Sackett Street
Houston, TX 77098

Mr. Ted Babbitt (Liaison to the District Court)
Mr. Joseph Osborne
BABBITT, JOHNSON, OSBORNE & LECLAINCHE
1450 Centerpark Rd
Suite 100
West Palm Beach, FL 33401

Mr. Neal Moskow (Federal-State Liaison)
URY & MOSKOW, L.L.C.
883 Black Rock Tpk
Fairfield, CT 06825

Additionally, the Court appoints Plaintiffs' Liaison Counsel, Ted Babbitt and Co-Lead Counsel, James Ronca and Scott A. Love to comprise the PSC Executive Committee. It shall be the Executive Committee's duty to coordinate the responsibilities of the PSC, schedule PSC meetings, keep minutes or transcripts of these meetings, appear at periodic court noticed status conferences, perform other necessary administrative or logistic functions of the PSC and carry out any other duty as the Court may order.

The appointment to the PSC is of a personal nature. Accordingly, the above appointees cannot be substituted by other attorneys, including members of the appointee's law firm, to perform the PSC's exclusive functions, such as committee meetings and court appearances, except with prior approval of the Court.

The PSC shall have responsibilities as set out in the Case Management and Scheduling Order. Additionally, the PSC shall be responsible for the following:

Hearings and Meetings

- (1) Call meetings of counsel for plaintiffs for any appropriate purpose, including coordinating responses to questions of other parties or of the Court. Initiate proposals, suggestions, schedules, or joint briefs, and any other appropriate matter(s) pertaining to pretrial proceedings.
- (2) Examine witnesses and introduce evidence at hearings on behalf of plaintiffs.

- (3) Act as spokesperson for all plaintiffs at pretrial proceedings and in response to any inquiries by the Court, subject of course to the right of any plaintiff's counsel to present non-repetitive individual or different positions.

Miscellaneous

- (1) Submit and argue any verbal or written motions presented to the Court or Magistrate on behalf of the PSC as well as oppose when necessary any motions submitted by the defendant or other parties which involve matters within the sphere of the responsibilities of the PSC.
- (2) Negotiate and enter into stipulations with Defendants regarding this litigation. All stipulations entered into by the PSC, except for strictly administrative details such as scheduling, must be submitted for Court approval and will not be binding until the Court has ratified the stipulation. Any attorney not in agreement with a non-administrative stipulation shall file with the Court a written objection thereto within five
- (3) days after he/she knows or should have reasonably become aware of the stipulation. Failure to object within the term allowed shall be deemed a waiver and the stipulation will automatically be binding on that party.
- (4) Explore, develop, and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation.
- (5) Maintain adequate files of all pretrial matters, including establishing and maintaining a document or exhibit depository, in either real or virtual format, and having those documents available, under reasonable terms and conditions, for examination by all MDL Plaintiffs or their attorneys.
- (6) Perform any task necessary and proper for the PSC to accomplish its responsibilities as defined by the Court's orders., including organizing sub-committees comprised of plaintiffs' attorneys not on the PSC and assigning them tasks consistent with the duties of the PSC.
- (7) Perform such other functions as may be expressly authorized by further orders of this Court.

Reimbursement for costs and/or fees for services of all plaintiffs' counsel performing functions on behalf of all plaintiffs in this MDL shall be addressed in a subsequent order upon motion by the PSC. This order shall set forth the standards and procedures to be utilized by any counsel seeking fees and/or expense reimbursement.

West Palm Beach, Florida, this _____ day of May, 2008.

JUDGE DAVID MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE