

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: LEVAQUIN PRODUCTS
LIABILITY LITIGATION

MDL No. 08-1943 (JRT)

This Document Relates to:

ALL CASES

**ORDER GRANTING MOTION FOR
INTERIM REIMBURSEMENT OF
COMMON BENEFIT COSTS AND
EXPENSES**

At the beginning stages of this multidistrict litigation, the Court established a Plaintiff's Common Benefit Fund "to provide for the fair and equitable sharing among Plaintiffs of the cost of special services performed and expenses incurred by attorneys acting for MDL administration and common benefit of all plaintiffs in this complex litigation." (Pretrial Order #3, Jan. 22, 2009, Docket No. 105.) The Court later amended Pretrial Order #3 to establish a Cost Reimbursement Committee to review the submissions of plaintiffs' counsel seeking reimbursements for work and services performed and expenses incurred in connection with the MDL. (Am. Pretrial Order #3 at 10-11, Jan. 3, 2013, Docket No. 6202.)

The Cost Reimbursement Committee has reviewed and approved various submissions and now seeks an order granting disbursement from the Common Benefit Fund to reimburse those approved costs and expenses approved. (Mot. for an Order Granting Interim Reimbursement, Nov. 19, 2013, Docket No. 6531.) In support of its motion the Cost Reimbursement Committee has submitted two exhibits detailing the

costs and expenses to be reimbursed. The Court has carefully reviewed these exhibits in accordance with its obligation under Amended Pretrial Order #3, and finds that the costs and expenses detailed therein meet the standards for disbursement from the Common Benefit Fund. (*See* Am. Pretrial Order #3 at 4-6.) Additionally, the Court finds that the disbursements contemplate that “payment of any outstanding unpaid bill to any third party vendor” shall be made first, before reimbursement of any Shared Costs, and therefore comply with the priority of payments described in Amended Pretrial Order #3. (Am. Pretrial Order #3 at 5-6.)

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Cost Reimbursement Committee’s Motion for an Order Granting Interim Reimbursement of Common Benefit Costs and Expenses [Docket No. 6531] is **GRANTED**.
2. MDL Liaison counsel is authorized to distributed \$400,000 from the Common Benefit Cost Fund to New Jersey Counsel, and an additional \$400,000 to MDL Liaison counsel.
3. Disbursements shall be made as described in Exhibit A [Docket No. 6534] and Exhibit B [Docket No. 6535] which were submitted with the Cost Reimbursement Committee’s motion and reviewed by the Court in camera.

4. All parties and those law firms who have contributed or will contribute to the fund must be provided a copy of this Order.

DATED: January 7, 2014
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge