

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 DISTRIBUTING COMMON
BENEFIT FUNDS FOR COSTS OF LITIGATION**

WHEREAS, pursuant to the Court's Second Amended Pretrial Order Number 3 the parties established a Plaintiffs' Common Expense Fund for Reimbursement of Common Benefit Costs Only; and

WHEREAS, MDL co-lead counsel and New Jersey liaison counsel created a Joint Assessment Account comprised of the held back assessments issued for cases settled in the MDL matters and the New Jersey matters pursuant to Pretrial Order Number 3 and similar New Jersey Orders; and

WHEREAS, counsel in the MDL and New Jersey matters have expended considerable out of pocket costs and expenses in furtherance of litigation in both the MDL and the New Jersey consolidated proceedings; and

WHEREAS, as of February 28, 2015 there were funds in the amount of approximately \$645,000.00 in the joint assessment account; and

WHEREAS, on or about January 2014, the MDL and New Jersey consolidated counsel, pursuant to agreement and order of the Court each disbursed \$400,000.00 as an interim reimbursement, \$800,000.00 total; and

WHEREAS, leadership counsel for the MDL and New Jersey have met and conferred regarding the distribution of said undistributed funds so as to equitably reimburse counsel in both proceedings for out of pocket costs and expenses only; and

WHEREAS, MDL Co-Lead counsel and New Jersey Liaison counsel agree to the division of these funds in escrow. This agreement provides that MDL counsel shall receive reimbursement for costs and expenses in the amount of 58.22% of the fund and New Jersey counsel shall receive reimbursement for costs and expenses in the amount of 41.78% of the fund; and

WHEREAS, MDL counsel and New Jersey counsel further agree that any funds entered into said joint account as of March 1, 2015 going forward shall be distributed to MDL counsel at the rate of 53.6% and to New Jersey counsel at the rate of 46.4%.

NOW, based on all the files, records and proceedings herein, it is hereby ORDERED:

That the funds held in the joint account for assessments in this litigation shall be disbursed as follows:

As of February 28, 2015: to MDL Counsel an amount equal to 58.22%; to New Jersey Counsel an amount equal to 41.78% of the funds in escrow as of said date.

It is further Ordered that any funds deposited after February 28, 2015, shall be disbursed in the amount of 53.6% to MDL Counsel and 46.4% to New Jersey counsel.

IT IS SO ORDERED.

Dated: April 2, 2015

BY THE COURT:

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