

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

IN RE: ACTOS (PIOGLITAZONE)	§	6:11-MD-2299
PRODUCTS LIABILITY LITIGATION	§	
-----	§	JUDGE DOHERTY
This Document Relates to all Cases	§	
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**APPLICATION FOR APPOINTMENT TO PLAINTIFF STEERING COMMITTEE
DANIEL E. BECNEL, JR., BECNEL LAW FIRM, LLC**

Daniel E. Becnel, Jr., counsel for plaintiff, Harry Clark, requests that this Honorable Court appoint him to a PSC position for this consolidated, multi-district litigation. I hereby represent that I, and the Becnel Law Firm LLC, have and will commit the ample resources necessary to prosecute this litigation, will work cooperatively with the other attorneys involved in this litigation, and have experience in complex litigation involving product liability, mass torts, and class actions.

In 1969, I obtained a juris doctor degree from Loyola Law School, and am admitted to all Louisiana state courts, and federal courts for the Eastern, Western and Middle Districts of Louisiana and U.S. Fifth Circuit Courts of Appeal, U.S. Supreme Court as well as numerous other Federal Courts nationwide and the State of Colorado.

Over the years, I have been appointed to numerous leadership positions, liaison counsel positions and PSC positions in the following MDL's: 330 – Swine Flu; 1038 – Norplant; 1057 – Teletronics; 1148 – Latex Gloves; 1203 – Diet Drugs; 1355 – Propulsid; 1401 – Sulzer; 1431 – Baycol; 1477 – Serzone; 1431; Neurontin; 1632 – High Sulfur Gasoline; 1691 – Bextra; 1708 – Guidant; 1726 – Medtronics; 1724 – Viagra; 1742 – Ortho Evra; 1960 – Cabbotage; 2100 – Yasmine/Yaz; 2220 – Kaba Lock; 2223 – Ford; 2226 – Darvocet; 1535 – Welding Rods; 2047 – Chinese Drywall; and 2068 – Light Cigarettes.

In addition to the above MDL cases, I personally litigated the first million dollar verdict in the south shortly after receiving my law degree from Loyola. I have been involved in major complex cases such as the Ferry Frosta disaster which killed 76 people and injured 15. Still the largest maritime disaster in the U.S., the matter was tried and/or settled by U.S. District Judge Alvin Rubin within one year.

I also recently tried, as Lead Counsel, the Mother's Day Bus Crash which killed 24 and injured 17 people. This was tried and/or settled to verdict in both state court and federal court and was argued numerous times before the state appellate court and U.S. Supreme Court.

Additionally, I was involved in the Shell Norco Explosion which killed 7 and injured hundreds which settled for over \$200 million after five years of active litigation. I handled the largest ammonia disaster in the U.S., the claims process in the largest chlorine disaster in the U.S. in Graniteville, South Carolina and was involved in a tank car release in Bogalusa resulting in a \$95 million verdict. I was also one of the leaders of the Breast Implant Litigation taking the deposition of the CEO of Dow Corning and managing 35 lawyers for document review. I handled the document depositories in numerous complex cases and MDL's, including the Kaiser Explosion; the Norplant case; the Ford Ignition case and the Paint Failure cases to name a few.

Since dealing with mass tort cases for over 40 years and my father's death from cigarette smoking at age 57, after serving as a War Prosecutor in Germany and Japan, two other attorneys and myself came up with the idea and organization for taking on the Tobacco Industry. I took many of the major depositions in the Pennsylvania, Louisiana and California litigations.

In March, I tried a major case before Judge Carl Barbier against the V.A. using numerous medical experts, including Toxicologists and Cardiologists, to a successful verdict in a 43 page

Opinion.

Most recently, I took major depositions only a few weeks ago in Madrid, Spain on 40 oil tanks which exploded in Puerto Rico injuring thousands and closing the Puerto Rico airport for days. My office has referral lawyers all over the U.S. who refer cases to me including drugs cases, ship collisions, medical devices, and the like. Only two weeks ago I was asked to lecture at a legal seminar at Loyola Law School entitled "Lions of the Bar" which included myself and Arthur A. Buddy Lemmon, III. I was asked to deliver a lecture at the 52nd Annual Conference for the American College of Legal Medicine on Saturday, February 25, 2012. I have spoken at seminars my entire career throughout the country.

My wife, Mary Hotard Becnel has been a state court judge for over 19 years and is on the Board of Directors of the NAWJ and is organizing the conference for New Orleans next year. My son, Bradley Douglas Becnel, also an attorney, has worked for President Bill Clinton in the West Wing and has served as Lead Advance and Special Assistant to President Obama for over three years. Only last week, during his week off, he was asked to handle pro bono President Clinton's fundraising event in Columbia, South America for his fund to help the people of Haiti. My son, Daniel E. Becnel, III, has practiced law with me for 21 years and his wife, Kathryn Becnel served as Assistant U.S. Attorney for years and now practices with my firm. My son, Christopher Devon Becnel and his wife are both attorneys and work with me. They both have served in Washington as legislative assistants for over five years to Senator Landrieu and several congressmen prior to joining my firm. Many of the lawyers in my firm have served as state and federal law clerks.

As pro bono is important to any lawyer, I personally represent 61,000 people in the Levee Failure case and was complimented by Judge Stanwood Duval for handling those cases which are pending before the U.S. Fifth Circuit Court of Appeals.

Recently, Judge Heyburn, Chairman of the Judicial Panel on Multidistrict Litigation, asked me to participate in a study of MDL's being conducted by Professor Francis McGovern. While I have repeatedly asked for the Middle and Western District of Louisiana to be given MDL cases, I specifically asked for Judge Doherty on five separate occasions to be appointed, including Actos. Almost all of the MDL's that have been sent to New Orleans were argued by me before the Panel: Vioxx, Chinese Drywall; Propulsid; FEMA Trailer cases; BP Oil Spill Disaster; Chrysler, Ford and GM Automotive cases; Product Liability cases, etc.

A common benefit fund should never exceed 3%. The rate of pay for attorneys should be governed by the ABA hourly rate scale which has been published and is accepted throughout the U.S.

Our office represents the decedent, Harry Clark, from New York in the Actos litigation, which has been filed in federal court. Our office has five other cases which we have not yet filed. We do not file these cases in state court. All of our cases in this type of litigation are only filed in federal court. The reason we have not yet filed these cases is because usually you can direct file into the jurisdiction of the MDL Judge once appointed.

Our firm has the financial capability as well as the personnel and expert resources to handle this litigation to completion.

Respectfully submitted,

/s/ Daniel E. Becnel, Jr.

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