

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

2:09-cv-04414-SDW-SCM
2:10-cv-06025-SDW-SCM

MDL-2158

IN RE: ZIMMER DURUM HIP CUP
PRODUCTS LIABILITY LITIGATION

This Document Relates to:
Plaintiffs Tracy Pelphrey and John Pelphrey,
2:14-cv-3162
and
Plaintiff Brent E. Rhoads,
No. 2:14-cv-02178

[D.E. 872, 804]

**CONSENT ORDER REGARDING COMMON BENEFIT FUND AS IT PERTAINS TO
PLAINTIFFS TRACY AND JOHN PELPHEY AND PLAINTIFF BRENT E. RHOADS**

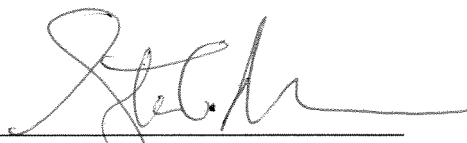
IT IS HEREBY STIPULATED AND AGREED between Plaintiffs' Liaison Counsel, Gibbs Henderson, and (a) Plaintiffs Tracy and John Pelphrey; and (b) Plaintiff Brent E. Rhoads as follows:

- Plaintiffs' Liaison Counsel will withdraw their Brief in Opposition to Plaintiff Brent E. Rhoads' Motion to Reduce Common Benefit Fund Assessment [Doc. 790]. Defendants have already withheld 2% of the gross amount of Mr. Rhoads' settlement for payment to the Common Benefit Fund, so Mr. Rhoads and his counsel will owe no further payment to the Common Benefit Fund in this MDL; and
- Plaintiffs Tracy and John Pelphrey will withdraw their Motion to Waive Contribution to Common Benefit Fund [Doc. 822] and will pay 2% of their total settlement to the Common Benefit Fund in this MDL.

In so stipulating, Plaintiffs' Liaison Counsel makes no concession regarding their continuing position that the full 4% Common Benefit Fund assessment provided for in Case

Management Order 3 [Doc. 33] is appropriate and should be applied to all future settlements in this MDL.

IT IS SO ORDERED ON THIS 23rd DAY OF March, 2016.



Hon. Steven Mannion, USMJ