

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

IN RE: PRADAXA (DABIGATRAN)
ETEXILATE) PRODUCTS LIABILITY)
LITIGATION)
_____)

3:12-md-02385-DRH-SCW
MDL No. 2385

Judge David R. Herndon

This Document Relates to: All Cases

CASE MANAGEMENT ORDER NO. 96
ADOPTING SPECIAL MASTER'S REPORT AND RECOMMENDATION
REGARDING THE DISTRIBUTION OF SURPLUS FUNDS

On December 15, 2015, the Special Master's Report and Recommendation Regarding the Distribution of Surplus Funds was docketed (Doc. 694). Parties were allowed until December 22, 2015 to file any objections (Doc. 694). The time for responding has passed and no objections have been filed. Accordingly, after reviewing the Special Master's Report and the relevant authority, the Court hereby adopts the Special Master's recommendations and **ORDERS** as follows in accord therewith:

Remaining Funds

- The total amount of the Remaining Funds is \$5,217,231.85, comprised of \$2,707,938.81 in remaining reserve funds, and \$2,509,293.04 in common benefit expense fund surplus.¹ The

Remaining Funds shall be distributed pro rata to participating,

¹ This amount takes into consideration additional unpaid Special Master fees and expenses of \$17,500 for work performed through the end of the matter, the final payment to Providio for lien resolution and fund administration, and final law firm expense reimbursements.

qualified claimants. The Court DIRECTS the QSF Administrator, Providio, to utilize the above Remaining Funds amount; calculate each participating, qualified claimant's pro rata share; distribute same; and wind down and close the funds.

- Further, any additional amounts of Net Income, Gains and Interest accumulated in claimant payment accounts at the time of the final distribution will also be added to the total available to all claimants and disbursed on a pro-rata basis and a final report shall be submitted by Providio, as the QSF Administrator, to the Special Master and the Court.
- Finally, any surplus of monies collected by the Lien Resolution Administrator from Third Party Providers should be used to offset any additional expenses of the lien administration.

Final Common Benefit Fee and Expense Allocations and Distribution

- Unallocated common benefit fees shall be distributed as detailed in Exhibit 1 of the Special Master's Report and Recommendation (Doc. 694-1).²
- The law firms identified in Exhibit 1 of the Special Master's Report and Recommendation (Doc. 694-1) shall be reimbursed for the expense amounts detailed therein.

² To the extent the Common Benefit Fee Fund has earned any interest, interest funds shall be distributed, pro rata based on Exhibit 1 fee allocations, to the co-lead and liaison counsel firms listed on Exhibit 1.

- As detailed in the Special Master's Report and Recommendation (Doc. 694), the required two percent of the Gross Aggregate Settlement Amount to be paid into the Pradaxa Common Benefit Expenses Account (totaling \$13,000,000) is greater than the amount expended for the common benefit. Accordingly, after the distribution of the expense amounts in Exhibit 1 (Doc. 694-1), the Court DIRECTS that the expense balance be distributed as a portion of the Remaining Funds distribution detailed above.

IT IS SO ORDERED.

Signed this 23rd day of December, 2015.


Digitally signed by
Judge David R. Herndon
Date: 2015.12.23
09:11:45 -06'00'



United States District Judge