

Minute Order Form (06/97)

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	John F. Grady	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	93 C 7452 96 C 5024	DATE	June 19, 2000
CASE TITLE	Factor VIII or IX Concentrate Blood Prods. Litigation (MDL-986)		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Settlement Implementation Order No. 10 (regarding award of Attorneys' fees; reserve fund; settlement preservation and implementation fees).

(11) [For further detail see order (on reverse side of/attached to) the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed/faxed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	JUN 27 2000 date docketed 15 docketing deputy initials KAM mailing deputy initials	JUN 27 2000 Date/time received in central Clerk's Office
KAM courtroom deputy's initials		Docu Num 13

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT

IN RE:

FACTOR VIII OR FACTOR IX
CONCENTRATE BLOOD PRODUCTS
LITIGATION

SUSAN WALKER, Administratrix
of the Estate of Steven Walker
Deceased

Plaintiffs,

vs.

BAYER CORPORATION, et al.

Defendants.

DOCKETED
JUN 27 2000

JUDGE JOHN F. GRADY

SETTLEMENT IMPLEMENTATION ORDER NO. 10
(Re: Award of PSC Attorneys' Fees; Reserve Fund;
Settlement Preservation and Implementation Fees)

And now, upon consideration of Lead Class Counsels' Motion for Approval of Recommendations Re: Distribution of the Balance Of the Cost & Fee Fund And of the Opt-out Escrow Fund (as orally modified at the May 24, 2000 hearing), and based upon the record in these consolidated multidistrict proceedings, and after consideration of the presentations at the May 23-24, 2000 hearing and the written submissions in connection therewith, and pursuant to the Court's Opinion rendered on May 24, 2000, it is ordered:

B87

A. RESERVE

Lead Class Counsel are directed to reserve \$1.5 million from the Cost & Fee Fund to cover any remaining taxes, expenses, fee and cost reimbursement claims and other contingencies with respect to finalization of the implementation of the class settlement.

B. COMMON BENEFIT FEES

Attorney fees for common benefit services rendered in this consolidated multidistrict proceeding are hereby awarded to the current and former Steering Committee member firms. The following specifies the fee amounts awarded and the base percentage award. (The base percentage is the percentage, before any adjustments. It is to be utilized in calculating any further distribution, such as the distribution contemplated with respect to the Pretrial Order No. 57 Opt-Out Escrow Fund):

1. Current Steering Committee Members

<u>Firm</u>	<u>Fee Award</u>	<u>Base Percentage</u>
1. Anderson, Moss, Parks & Sherouse	\$ 900,000.	4.0%
2. Brann & Turffs	\$ 681,500.	2.9%
3. Earl, Blank, Kavanaugh & Stotts, P.A.	\$1,625,000.	7.0%

4.	The Law Office of Jere M. Fishback	\$1,625,000.	7.0%
5.	Heninger, Burge & Vargo	\$ 681,500.	2.9%
6.	Holloran and Stewart	\$ 806,500.	2.9%
7.	Huntley, Park, Thomas, Burkett, Olsen & Williams, LLP	\$ 681,500.	2.9%
8.	The Law Office of Alan K. Laufman	\$2,702,500.	11.5%
9.	Levin, Middlebrooks, Thomas, Mitchell, Green, Echsner, Proctor & Papantonio, P.A. and The Law Office of James R. Green	\$3,250,000.	14.0%
10.	Levinson, Axelrod, Wheaton & Grayzel, P.A.	\$ 681,500.	2.9%
11.	Roda & Nast, P.C.	\$3,250,000.	14.0%
12.	Shrager, McDaid, Loftus, Flum & Spivey	\$4,300,000.	18.5%
13.	Debra A. Thomas, P.C.	\$ 756,500.	2.9%
14.	Eric H. Weinberg, Attorney at Law	\$1,525,000.	6.6%

2. Former Steering Committee Members

<u>Firm</u>	<u>Fee Award</u>	<u>Base Percentage</u>
1. Mull & Mull ¹	\$ 275,000.	Not applicable
2. Charles R. Kozak	\$ 275,000.	Not applicable

C. SETTLEMENT PRESERVATION AND IMPLEMENTATION

Attorney fees for preserving and implementing the class settlement in this consolidated multidistrict proceeding are hereby awarded as follows:

1. Shrager, McDaid, Loftus, Flum & Spivey . . \$1,652,750.
2. Roda & Nast, P.C. \$1,652,750.
3. Levin, Middlebrooks, Thomas, Mitchell,
Green Echsner, Proctor
& Papantonio, P.A. and
The Law Office of James R. Green \$944,500.

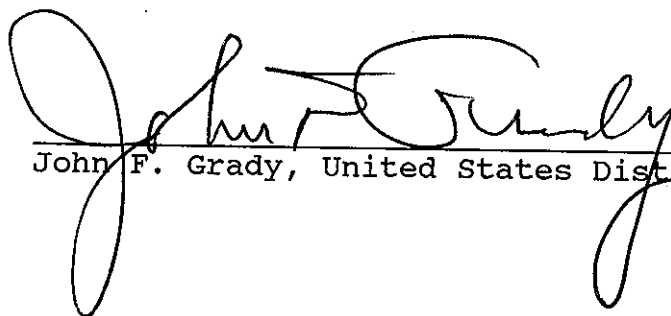
David S. Shrager and Dianne M. Nast, Lead Class Counsel, are directed to cause these payments to be disbursed from the Cost & Fee Fund.

¹In addition to the common benefit payments approved herein, Lead Class Counsel have recommended and the Court has approved separate payments of approximately \$1,750,000 based on the claim forms filed by Mull & Mull on behalf of clients participating in the settlement, and reimbursement of costs in the approximate amount of \$200,000. These agreed-payments will be the subject of separate Settlement Implementation Orders.

The Court finds that this Order constitutes a Final Order and Judgment, and the Court determines that there is no just reason for delay and directs entry of this Order pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Without affecting the finality of this Order, the Court reserves exclusive and continuing jurisdiction over these consolidated actions, the representative plaintiff, the Settlement Class Members, Fractionator Defendants, and each and all of their respective attorneys and law firms, for the purposes of supervision of the implementation, enforcement, construction and interpretation of the Class Settlement Agreement.

Dated: 6-19-00



John F. Grady, United States District Judge