

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: BIOMET M2a MAGNUM) CAUSE NO. 3:12-MD-2391-RLM-CAN
HIP IMPLANT PRODUCT)
LIABILITY LITIGATION)
(MDL2391))
)
)
)
This Document Relates to All Cases)

Judge Robert L. Miller, Jr.

**MOTION FOR PAYMENT OF COMPENSATION FROM THE BIOMET COMMON
BENEFIT MDL ASSESSMENT FUND**

1. The Court's Case Management Order Establishing Common Benefit Fee and Expense Funds (doc. 1317-2) ("Common Benefit Order"), provided in paragraph II.A. that a "Biomet Hip Common Benefit Attorney's Fee Fund" and a "Biomet Hip Common Benefit Cost Fund" be established for the purpose of receiving and disbursing funds provided in that Order. These were set up as subaccounts of the "Biomet Common Benefit MDL Assessment Fund" (the "Fund") pursuant to the Court's Order Appointing Escrow Agent and Fee Committee on June 23, 2015 (doc. 2925) ("Fee Committee Order").

2. In the Fee Committee Order, the Court appointed Jessica Larbes, C.P.A., a qualified certified public accountant and employee of Garretson Resolution Group ("GRG"), as the Escrow Agent for the Fund, and ordered that GRG shall charge \$390 per hour for Mrs. Larbes' services, \$250 per hour for the services of each of the other fund administration

professionals who will support Mrs. Larbes, and \$405 per hour for the services of Sylvius von Saucken, GRG's Chief Compliance Officer and Fiduciary. The Court further ordered that these fees shall be paid from the Biomet Hip Common Benefit Cost Fund.

3. In the Fee Committee Order, the Court also established a Fee Committee to make recommendations to the Court about how the money in the Fund should be distributed among Participating Counsel. The Court appointed Sylvius von Saucken, GRG's Chief Compliance Officer and Fiduciary, as the non-attorney compliance Fee Committee member, and ordered that GRG shall be compensated for Mr. von Saucken's work on the Fee Committee at the rate of \$405 per hour. The Court further ordered that this fee shall be paid from the Biomet Hip Common Benefit Cost Fund.

4. The Invoice attached hereto as Exhibit A, which has been sent to Plaintiffs' Co-Lead Counsel, Thomas Anapol, in accordance with the Fee Committee Order, details the work Mrs. Larbes, Mr. von Saucken, and other GRG fund administration professionals have performed with respect to the Fund. The total fee incurred by GRG for these services is \$18,500.

5. In accordance with the Fee Committee Order, GRG requests this Court to approve the payment of \$18,500 from the Biomet Hip Common Benefit Cost Fund to GRG for the services of Mrs. Larbes, Mr. von Saucken, and other GRG fund administration professionals with respect to the Fund.

DATED this 15 day of October, 2015.

Respectfully submitted,

/s/ Sylvius von Saucken _____

The Garretson Resolution Group, Inc.
Sylvius von Saucken, Fiduciary & Chief
Compliance Officer
6281 Tri-Ridge Boulevard, Suite 300
Loveland, OH 45140
(T) 513.794.0400
(F) 513.936.5186

Non-attorney compliance Fee Committee member

/s/ Tom Anapol _____

Tom Anapol
ANAPOL SCHWARTZ
1710 Spruce Street
Philadelphia, PA 19103
Telephone: (215) 735-8037
tanapol@anapolschwartz.com

Plaintiffs' Co-Lead Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 15, 2015, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which provided electronic service upon all counsel of record.

s/Robert T. Dassow _____

Robert T. Dassow, #15154-64
Hovde Dassow & Deets, LLC
201 W. 103rd Street, Suite 500
Indianapolis, IN 46290

Plaintiffs' Liaison Counsel

EXHIBIT A



6281 Tri-Ridge Blvd., Ste. 300
 Cincinnati, OH 45140
 704.559.4300
 www.GarretsonGroup.com
Tax ID: 26-3840385

09-22-2015

Invoice Number: 32836
 Invoice Period: 04-01-2015 - 08-31-2015

Payment Terms: Due Upon Receipt

RE: Multiple Matters

Biomet Common Benefit Fund - Escrow Agent
 Biomet Common Benefit Fund - Fee Committee

Biomet Common Benefit Fund - Escrow Agent

Details

Date	Professional	Description	Hours	Rate	Amount
08-06-2015	SF - Treasury Analyst	A104 - Review / analyze - Call with Sylvius to review expense report.	1.500	250.00	375.00
08-13-2015	SK - Treasury Analyst	Provide consolidated report of the funds that have been reserved in the Biomet Common Benefit Fund for expenses/fees.	0.800	250.00	200.00
08-31-2015	SK - Treasury Analyst	Provide funding instructions for the Biomet Common Benefit Fund to the PSC.	0.200	250.00	50.00
08-31-2015	SK - Treasury Analyst	4/27/2015 - PSC call for Biomet Common Benefit Fund	1.000	250.00	250.00
08-31-2015	SK - Treasury Analyst	6/19/2015 - Follow up call for Biomet Common Benefit Fund	1.000	250.00	250.00
08-31-2015	SK - Treasury Analyst	3/4/2015 - Review Fund Structure and Documents for Biomet Common Benefit Fund	0.500	250.00	125.00
08-31-2015	SK - Treasury Analyst	4/23/2015 - Review Fund Structure and Documents for Biomet Common Benefit Fund	0.700	250.00	175.00
08-31-2015	SK - Treasury Analyst	5/4/2015 - Define Project Plan and Expense review process based on Time and Expense Order for Biomet Common Benefit Fund.	0.800	250.00	200.00
08-31-2015	SK - Treasury Analyst	June 2015 - Review draft of Motion and Order to Establish the Biomet Common Benefit Fund.	0.700	250.00	175.00
08-31-2015	SK - Treasury Analyst	6/25/15 - Open Bank accounts for the Biomet Common Benefit Fund, grant user access, set	1.000	250.00	250.00

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Date	Professional	Description	Hours	Rate	Amount
		wire limits and establish fraud protection on the accounts.			
08-31-2015	SK - Treasury Analyst	6/28/15 - Work with Lien Resolution to forecast GRG Fees.	1.000	250.00	250.00
08-31-2015	SK - Treasury Analyst	7/10/15 - Review Common Benefit Fund Petition and provide edits to Fiduciary for final review.	0.500	250.00	125.00
Total Fees:					2,425.00

Summary

Professional	Hours	Amount
SF - Treasury Analyst	1.500	375.00
SK - Treasury Analyst	8.200	2,050.00
Total Fees:		2,425.00

Biomet Common Benefit Fund - Fee Committee

Details

Date	Professional	Description	Hours	Rate	Amount
04-23-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review Common Benefit Petition.	0.500	405.00	202.50
04-27-2015	SVS - Chief Compliance Officer	A100 - Activities - Follow up with Tom Anapol team regarding expenses.	0.500	405.00	202.50
05-01-2015	SVS - Chief Compliance Officer	A106 - Communicate (with Client) - Telephone call with Tom Anapol and SFA team regarding CBF.	0.500	405.00	202.50
05-05-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review Summary of expenses.	0.100	405.00	40.50
05-20-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review CB Committee matters; set up.	0.500	405.00	202.50
06-01-2015	SF - Treasury Analyst	A100 - Review expesnse reports and discuss same with Sylvius.	0.500	250.00	125.00
06-10-2015	JL - Escrow Agent	A104 - Review / analyze - review expense and fee reports for Biomet CB Committee.	2.600	390.00	1,014.00
06-10-2015	SF - Treasury Analyst	A104 - Review / analyze _ Review expense report.	0.500	250.00	125.00
06-11-2015	SF - Treasury Analyst	A100 - Activities - Provide update on expense report change with team.	0.300	250.00	75.00
06-12-2015	SF - Treasury Analyst	A106 - Communicate (with Client) - Communicate with firm on expense report status.	0.500	250.00	125.00
06-15-2015	SF - Treasury Analyst	A104 - Review / analyze - Document review and discuss findings with team.	1.000	250.00	250.00
06-15-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review updated Biomet CB Accounting from Emily Ashe.	0.500	405.00	202.50
06-15-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review, revise expense report CB Committee.	0.500	405.00	202.50
06-16-2015	SF - Treasury Analyst	A104 - Review / analyze - Review expense report.	1.000	250.00	250.00
06-17-2015	SF - Treasury Analyst	A104 - Review / analyze _ Review expense report.	1.000	250.00	250.00
06-17-2015	SVS - Chief Compliance Officer	A100 - Activities - Finalize expense reports.	0.500	405.00	202.50
06-18-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - expenses follow ups; review tier hierarchy.	0.500	405.00	202.50
06-19-2015	SVS - Chief Compliance Officer	A100 - Activities - Multiple follow ups on CBF accounting (fees, deposits, and expenses).	0.500	405.00	202.50
06-19-2015	SF	A106 - Communicate (with Client) -	1.000	250.00	250.00

Date	Professional	Description	Hours	Rate	Amount
		Communications with firms and Escrow Agent team on expenses.			
06-23-2015	SVS - Chief Compliance Officer	A100 - Activities - expense follow ups with Anapol Schwartz.	0.500	405.00	202.50
06-23-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - review court order with Jessica Larbes.	0.500	405.00	202.50
06-23-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review F&E petition draft.	0.800	405.00	324.00
06-25-2015	SVS - Chief Compliance Officer	A104 - Review / analyze Review notes for F&E petition draft.	0.200	405.00	81.00
06-25-2015	SF - Treasury Analyst	A100 - Activities - Obtain EIN/Account Opening/ Expense Review.	2.500	250.00	625.00
06-28-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review reports & request consolidation for same; follow up	0.600	405.00	243.00
07-01-2015	SF - Treasury Analyst	A100 - Activities - Set up account on internal software.	0.500	250.00	125.00
07-03-2015	SVS - Chief Compliance Officer	A100 - Activities _ Draft report to CB committee.	0.600	405.00	243.00
07-03-2015	SVS - Chief Compliance Officer	A104 - Review / analyze -Develop fee methodology based on tiered value hierarchy.	0.600	405.00	243.00
07-04-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review fee reports.	0.400	405.00	162.00
07-04-2015	SVS - Chief Compliance Officer	A100 - Activities - Prepare summary reports.	0.400	405.00	162.00
07-04-2015	SVS - Chief Compliance Officer	A106 - Communicate (with Client) - update CB expense committee lead.	0.400	405.00	162.00
07-06-2015	SVS - Chief Compliance Officer	A100 - Activities - Work on tier summary reports.	0.400	405.00	162.00
07-07-2015	SVS - Chief Compliance Officer	A100 - Activities - Work on tier summary reports.	0.500	405.00	202.50
07-10-2015	SVS - Chief Compliance Officer	A100 - Activities - Draft report for Jessica Larbes.	0.500	405.00	202.50
07-10-2015	SVS - Chief Compliance Officer	A100 - Activities - Finalize review of last fee reports, updated fee calculations and draft report to fee committee.	0.800	405.00	324.00
07-13-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review and revise submitted reports.	0.200	405.00	81.00
07-15-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review, revise submitted fee reports	0.400	405.00	162.00
07-16-2015	JL - Escrow Agent	A104 - Review / analyze - review expense and fee reports for Biomet CB Committe.	2.600	390.00	1,014.00
07-22-2015	SVS - Chief Compliance Officer	A104 - Review / analyze review all fee reports; discuss allocation methodology with Jessica Larbes.	1.800	405.00	729.00
07-22-2015	SVS - Chief Compliance Officer	A100 - Activities - prepare adjusted reports and prepare summary report for fee committee , follow up with Tom Anapol, Melissa Hague and SFA teams regarding the same.	0.400	405.00	162.00
07-23-2015	SF - Treasury Analyst	A106 - Communicate (with Client) - Meeting with client regarding expense reports.	3.500	250.00	875.00
07-24-2015	SVS - Chief Compliance Officer	A100 - Activities _ Provide update to CB expense committee regarding updated petition.	0.400	405.00	162.00
07-24-2015	SVS - Chief Compliance Officer	A100 - Activities - Compile reports; and review methodology and PSC contributions with Jessica Larbes.	0.500	405.00	202.50
07-27-2015	SVS - Chief Compliance Officer	A100 - Activities - update CB committee on status of revised fee petition.	0.500	405.00	202.50
07-27-2015	SF - Treasury Analyst	A100 - Activities - Meeting with expense		250.00	No Charge

Date	Professional	Description	Hours	Rate	Amount
		committee regarding expense reports.			
07-29-2015	SF - Treasury Analyst	A106 - Communicate (with Client) _ Meeting with Tom Anapol and team regarding expense report updates.	3.500	250.00	875.00
07-29-2015	SVS - Chief Compliance Officer	A106 - Communicate (with Client) - Work with Tom Anapol to finalize fee report and prepare for committee reports.	0.500	405.00	202.50
07-30-2015	SVS - Chief Compliance Officer	A100 - Activities - Finalize fee & expense petition.	0.400	405.00	162.00
07-30-2015	SVS - Chief Compliance Officer	A100 - Activities - finalize report to committee with Tom Anapol to edit and adjust based on final methodology adjustments.	0.400	405.00	162.00
07-30-2015	SVS - Chief Compliance Officer	A100 - Activities - review if finalized reports with Jessica Larbes.	0.400	405.00	162.00
07-30-2015	SF - Treasury Analyst	A106 - Communicate (with Client) - Call with client regarding expense report changes.	1.500	250.00	375.00
07-30-2015	LH - Compliance Officer	Prepare Affidavit of Jessica Larbes in support of the Common Benefit Fund fee and expense methodology.	2.800	275.00	770.00
08-04-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Review status report from Tom Anapol; review.	0.400	405.00	162.00
08-04-2015	SVS - Chief Compliance Officer	A100 - Activities - Revise tier summary report.	0.400	405.00	162.00
08-06-2015	SVS - Chief Compliance Officer	A104 - Review / analyze review all edits by Tom Anapol.	0.200	405.00	81.00
08-06-2015	SVS - Chief Compliance Officer	A100 - Activities _ Revise fee & expense paragraphs of draft petition and order; discuss same with Jessica Larbes.	0.300	405.00	121.50
08-06-2015	SVS - Chief Compliance Officer	A100 - Activities - Validate petition calculation for petition and draft report to Tom Anapol and	0.200	405.00	81.00
08-07-2015	SVS - Chief Compliance Officer	A104 - Review / analyze - Proof, final edits and review all exhibits.	0.400	405.00	162.00
08-31-2015	JL - Escrow Agent	A104 - Review / analyze - review expense reports for Biomet CB Committe.	2.600	390.00	1,014.00
Total Fees:					16,075.00

Summary

Professional	Hours	Amount
JL – Escrow Agent	7.800	3,042.00
LH - Compliance Officer	2.800	770.00
SF – Treasury Analyst	17.300	4,325.00
SVS - Chief Compliance Officer	19.600	7,938.00
Total Fees:		16,075.00
Total for this Invoice:		18,500.00

Anapol Schwartz

09-22-2015

Garretson Resolution Group
6281 Tri-Ridge Blvd., Ste. 300
Cincinnati, OH 45140

Invoice Number: 32836
Invoice Period: 04-01-2015 - 08-31-2015

REMITTANCE COPY

RE: Multiple Matters

Biomet Common Benefit Fund - Escrow Agent
Biomet Common Benefit Fund - Fee Committee

Fees: 18,500.00
Total for this Invoice: 18,500.00

Wire Instructions:
The PrivateBank
70 West Madison Street
Chicago, IL 60602
For Credit to: Garretson Resolution Group, Inc.-Wire Receipts Account
ABA# 071006486
Acct# 2178037