

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

)	CAUSE NO. 3:12-md-02391-RLM-CAN
In re BIOMET M2A MAGNUM HIP)	(MDL-2391)
IMPLANT PRODUCTS LIABILITY)	
LITIGATION)	
)	
THIS DOCUMENT RELATES TO ALL)	
CASES)	

**PLAINTIFFS' EXECUTIVE COMMITTEE'S BRIEF
CONCERNING COMMON BENEFIT FEES AND COSTS**

I.

INTRODUCTION

On September 3, 2015, the Court held the first Status Conference in this matter following the termination of Plaintiffs' Steering Committee No. 1 ("PSC 1"). One of the key issues before the Court concerned Plaintiffs' Steering Committee No. 2's ("PSC 2") Motion for Interim Common Benefit Fee and Expense Funds. Following discussion on the matter presented by both sides at the Status Conference, the Court requested that PSC 2 provide a list of settled cases it believes should contribute to the Common Benefit Fund. PSC 2 submits the instant brief containing proposed categories of cases as they relate to the Common Benefit issue before the Court; i.e., those cases that should or should not be subject to a Common Benefit holdback.

As set forth herein, PSC 2 proposes that a Holdback Order be issued for the following categories of cases:

- (1) The 249 Cases identified by Biomet in **Exhibit “A”** as cases that did not or will not resolve under the terms of the Master Settlement Agreement; and
- (2) Cases filed on or after April 16, 2014 into the Biomet MDL and are resolved by way of settlement, judgment or other final disposition on or after June 1, 2015.¹ At present, PSC 2 is aware of 12 cases that fall into this second category. *See, Exhibit “B”*.

II.

BACKGROUND

By Order dated December 5, 2012, this Court appointed PSC 1 and assigned it the duty of representing the common interests of all plaintiffs and their counsel in the matter entitled *In re Biomet M2A MAGNUM HIP IMPLANT PRODUCTS LIABILITY LITIGATION*.

On July 16, 2013, the Court entered a Case Management Order Regarding Management of Timekeeping, Cost Reimbursement and Related Common Benefit Issues. The Case Management Order set forth, in anticipation of a Common Benefit Fund being established, that those attorneys performing Common Benefit Work would be compensated from the Fund. The Case Management Order also contemplated that the participating attorneys be reimbursed for the substantial expenses spent on behalf of all of the plaintiffs that are part of the MDL.

On or about January 31, 2014, the Master Settlement Agreement (“MSA”) was entered into by the first Plaintiffs’ Executive Committee (“PEC 1”) and counsel for Biomet. Shortly after the MSA was announced, and on February 3, 2014, a Common Benefit Settlement and an Order Establishing Common Benefit Funds were entered. The Order contemplated a provisional

¹ The Court appointed PSC 2 in Case Management Order No. 3, on May 27, 2015, with the PSC appointments effective June 1, 2015. (Dkt. No. 2909).

assessment of a total of six percent (6%) of a plaintiff's gross settlement value – one percent (1%) for common benefit costs and five percent (5%) for common benefit attorneys' fees. The Order also accounted for the Common Benefit Settlement Agreement entered the same day which provided:

“The total Common Benefit Attorneys' Fees to be paid by the Fund for qualifying Common Benefit work shall not exceed the lesser of (a) the \$6 million paid by the Defendant, pursuant to the Common Benefit Settlement Agreement and Paragraph 3(a) of this Order or (b) five percent (5%) of the total gross payments ultimately made by the Defendant pursuant to the Master Settlement Agreement and the Common Benefit Fee Agreement.” (Dkt. # 1317-2, Page 5).

Accordingly, parameters for resolution of the Common Benefit Costs and Attorneys' Fees were set with respect to those cases resolved under the MSA. A majority of cases were subsequently resolved; however, over 200 cases remained as of May 2015, necessitating the formation and appointment of a second Plaintiffs' Steering Committee to assist the Court, plaintiffs and their respective counsel to the conclusion of this MDL.

As such, on May 27, 2015, the Court issued Case Management Order No. 3. In pertinent part, the Order appointed members to PSC 2 and requested that PSC 2 provide a proposed common fund order on or before September 1, 2015.

In advance of the September 3, 2015 Status Conference, PSC 2 submitted a Motion for an Interim Common Benefit Fund Order (Dkt. No. 2963). Following the September 3rd Status Conference, the Court requested that PSC 2 provide a list of the settled cases that it believes should contribute to the common benefit fund by September 17, 2015. PSC 2 respectfully submits that the list of 249 cases provided by Biomet as cases that did not or will not settle under the MSA (*See, Exhibit “A”*), as well as any cases filed on or after April 16, 2014, should be subject to the proposed Holdback Order.

III.

PSC 2'S PROPOSED HOLDBACK ORDER

As the Court is aware, a majority of cases were resolved under and through the express terms of the MSA (hereinafter, "Group 1 and Group 2 Cases")²; however, as of the September 3rd Status Conference, approximately 249 cases remain pending according to Biomet. *See, Exhibit "A"*. Moreover, several cases have since been resolved *outside* the four corners of the MSA (hereinafter, "Post-Group 2 Cases"), and presumably, several more may follow. The composition of the remaining cases include the 249 cases that remain unsettled as well as any other Post-Group 2 Cases that may have since been filed.

PSC 2's proposed Holdback Order seeks to address the Common Benefit Fees and Costs issue concerning Post-Group 2 Cases that are settled with Biomet and those 249 cases identified by Biomet in **Exhibit "A"** as those that did not and will not settle under the terms of the MSA.

A. Cases Identified by Biomet that did not Settle under the MSA

At the September 3rd Status Conference, Biomet's counsel informed the Court and PSC 2 that there were some plaintiffs that: (1) fell into Group 1 or Group 2; (2) were made settlement offers under the MSA; and (3) have since returned an executed settlement agreement, albeit late. This presented a purgatory of sorts with respect to the Common Benefit issue for these cases in light of the termination of PSC 1 and the appointment of PSC 2.

PSC 2 proposes the following solution to resolve this issue. Those Group 1 and Group 2 cases that are resolved under the terms of the MSA shall not be assessed Common Benefit Fees or Costs. PSC 2's position is that if in fact these cases fell within Group 1 and Group 2, the

² Eligible plaintiffs under the MSA included cases that were currently pending in the Biomet MDL and any case filed on or before April 15, 2014. Group 1 cases were defined as those with materially complete fact sheets served by December 31, 2013. Group 2 cases were defined as those with materially complete fact sheets served between January 1, 2014 and June 13, 2014.

Common Benefit issue was addressed by the terms of the MSA and the Court's February 3, 2014 Order Establishing Common Benefit Funds – neither of which addressed or contemplated PSC 2.

That said, Biomet provided PSC 2 and the Court with the list of 249 cases set forth in **Exhibit A** and described the list as cases that did not or will not resolve under the terms of the MSA. PSC 2 respectfully submits that these cases will continue to exist in the MDL moving forward, and as such, they should be subject to the proposed Holdback Order as they will benefit from the Common Benefit work and expenses outlaid by PSC 2.

B. Holdback Order

The Court requested the parties to enumerate their respective proposals concerning Common Benefit Fees and Costs moving forward and to provide a line of demarcation for assessment.

PSC 2 proposes that a Holdback Order be entered for those cases in the following categories:

- (1) The 249 Cases identified by Biomet in **Exhibit "A"** as cases that did not or will not resolve under the terms of the Master Settlement Agreement; and
- (2) Cases filed on or after April 16, 2014 into the Biomet MDL and are resolved by way of settlement, judgment or other final disposition on or after June 1, 2015 (collectively, these three categories of cases shall be referred to as "PSC 2 Cases".)³ At present, PSC 2 is aware of 12 cases that fall into this second category. *See, Exhibit "B"*.

There is a long line of precedent supporting use of a Holdback Order in an MDL context. *See, e.g., In re Oil Spill by the Oil Rig Deepwater Horizon in the Gulf of Mexico on April 20, 2010*, 2011 WL 6817982 (E.D.La. 12/28/2011) (citing In re Air Crash Disaster at Florida

³ The Court appointed PSC 2 in Case Management Order No. 3, on May 27, 2015, with the PSC appointments effective June 1, 2015. (Dkt. No. 2909).

Everglades on Dec. 29, 1972, 549 F.2d 1006, 1017-1018 (5th Cir. 1977); In re Zyprexa Products Liability Litigation, 594 F.3d 113, 128-130 (2nd Cir. 2010) (Kaplan, J., concurring); In re Genetically Modified Rice Litigation, 2010 WL 716190, at *4 & n.2 (E.D.Mo. 2/24/2010); and In re Vioxx Products Liability Litigation, 2012 WL 1448135, at *1 (E.D.La. 4/25/2012) (Fallon, J.). *See also* Downing v. Goldman Phipps, PLLC, 764 F.3d 906, 909-910 (8th Cir. 2014); In re Guidant Corporation Implantable Defibrillators Products Liability Litigation, 2010 WL 145278, *1 (D.Minn 1/8/2010) (Frank, J.); In re Zyprexa Products Liability Litigation, 451 F.Supp.2d 458, 462 (E.D.N.Y. 9/11/2006).

At this post-MSA juncture, neither PSC 2 nor the Court are in a position to speculate on whether or when resolution of any PSC 2 Cases may occur. In the interim, however, PSC 2 submits that this Court can rely on its personal knowledge of the history of this case, along with its extensive, hands-on involvement with this matter. The Court is also aware, in broad terms, of the extent of the outstanding discovery and litigation that lies ahead. Perhaps most instructive on the Common Benefit issue presented is the common benefit precedent set forth in this case.

Accordingly, PSC 2 respectfully submits that based on the information available to the Court and the history of the instant litigation, there lies a rational basis to issue a Holdback Order requiring that six percent (6%) be withheld from payments made by Defendants by way of settlement; i.e., five percent (5%) for common benefit attorneys' fees and one percent (1%) for common benefit costs. This holdback procedure would apply to cases defined herein as PSC 2 Cases.⁴

For ease of reference, "PSC 2 Cases" is defined as those cases that are in the following categories: (1) 249 Cases identified by Biomet in **Exhibit "A"** as cases that did not or will not resolve under the terms of the MSA; and (2) Cases filed on or after April 16, 2014, into the Biomet MDL and are resolved by way of settlement, judgment or other final disposition on or after June 1, 2015 (collectively, these three categories of cases shall be referred to as "PSC 2 Cases").

Should a subsequent, master settlement agreement be entered into, the Court would have the opportunity and benefit of hindsight to issue a final order concerning Common Benefit. Simultaneously, the interests of the members of PSC 2 who have and will outlay substantial commitments of time, finances and resources are protected. Flexibility remains to address the Common Benefit assessments to those cases that are “settled early” under a hypothetical second master settlement agreement, and PSC 2 proposes that this determination be made retrospectively rather than prospectively. For example, if a second master settlement agreement is reached on December 31, 2016, the Court could then order tiers of common benefit where cases settled between June 1, 2015 and December 31, 2015, are assessed lower amounts than those settled after January 1, 2016.

IV.

CONCLUSION

Common to any litigation is the uncertainty of if or when a case may settle. An MDL is no different and while a first MSA was reached in this case, there are no guarantees that a second master settlement will be reached. Instead, the possibility remains that discovery common to all cases is completed and that many or all of the remaining cases be remanded for trial in the appropriate circumstances. PSC 2 appreciates that settlements may be reached in individual cases at multiple points along the yet-to-be determined timeline of this litigation; however, as the Court alluded to at the September 3rd Status Conference, a line in the sand must be drawn at some point.

Accordingly, PSC 2 submits that a Holdback Order offers the best solution moving forward, and more importantly, the flexibility for the Court to address Common Benefit Fees and Costs assessments at the conclusion of this MDL.

Dated: September 17, 2015

Respectfully submitted,

/s/ Navan Ward Jr. .

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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 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/ Navan Ward Jr. _____
Navan Ward Jr.

Exhibit A

No.	Case Number	Plaintiff	Plaintiff's Counsel	Group
1	3:13-cv-986	Abram, Scott	Crystal Bauer	1
2	3:15-cv-298	Abrecht, Kathy	Black Law Group	
3	3:14-cv-946	Arndt, Janice	Peterson & Associates PC (Bernadette Porter, David Pererson & Nicholas Clevenger)	2
4	3:14-cv-554	Aronson, Linda	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
5	3:13-cv-1134	Austin, Ramona	Gomez Trial Attorneys (Ahmed Diab)	2
6	3:14-cv-62	Babbitt, Linda	Van Wey Law PLLC (Kay Van Wey)	
7	3:14-cv-988	Baker, Larry	Kiesel + Larson LLP (Helen Zukin)	2
8	3:15-cv-147	Baker, Virginia	Carey, Danis & Lowe (Jeffrey J. Lowe)	
9	3:13-cv-725	Balajadia, Kathy	Gomez Iagmin Trial Attorneys (John Gomez, Stephanie Poli, John Fiske)	2
10	3:13-cv-1402	Balusek, Maryann	Pro Se*	2
11	3:14-cv-1946	Barakat, Mary	Smith Stag, L.L.C. (Merritt Cunningham, Michael Stag)	
12	3:14-cv-370	Barrows, James	Davis, Saperstein & Salomon, PC (Terrence Smith)	
13	3:14-cv-1783	Bauman, Jerry	Pendley Baudin & Coffin LLP (Christopher L. Coffin)	
14	3:13-cv-731	Bayes, Mary & Philip	The Onder Law Firm (Michael Kruse)	
15	3:15-cv-222	Beaty, Timothy	Bartimus Frickleton (Kirk Goza)	
16	3:14-cv-617	Bell, Virginia	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
17	3:15-cv-013	Beltran, Lorenzo (deceased, rep'd by Frances Zamora)	Carey, Danis & Lowe (Jeffrey J. Lowe)*	
18	3:14-cv-562	Bemis, Kimberly	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
19	3:14-cv-1896	Bingham, Phyllis	Grant & Eisenhofer PA (Adam J. Levitt)	
20	3:14-cv-1382	Bourgeois, Danny	Justin Presnal	
21	3:15-cv-064	Bland, Sarah	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)	
22	3:14-cv-636	Bograde-Batten, Sherry	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
23	3:14-cv-1853	Booth, Joyce	Smith Stag, L.L.C. (Merritt Cunningham, Michael Stag)	
24	3:12-cv-693	Bowlin, Darrel	Olsmann Mueller Wallace & MacKenzie, P.C. (Donna MacKenzie)	1
25	3:13-cv-881	Brandt, John	Pro Se	
26	3:13-cv-667	Breiwick, Bruce & Greta A.	Phillips Law Firm (Lowell Finson)	2
27	3:14-cv-2052	Broderick, Joan W.	Mainetti, Mainetti & O'Connor, PC (Michael Kolb)	
28	3:15-cv-045	Brodeur, Ronald	Dreyer Boyajian LLP (Benjamin W. Hill)	
29	3:14-cv-1470	Brown, Linda	Huber, Slack, Houghtaling, Pandit & Thomas, LLP	
30	3:14-cv-1455	Burchfield, Jay	Gomez Trial Attorneys (Ahmed Diab)	2
31	3:15-cv-081	Burton, John Knox & Bonnie Guthrie	Gentry Locke Rakes & Moore LLP (H. David Gibson)	
32	3:14-cv-347	Campbell, David & Susan	Sommers Schwartz, P.C. (Robert Sickels)	2
33	3:15-cv-132	Cannon, Judith	The Taleska Law Firm (Raymond L. Panneton)	
34	3:13-cv-256	Carter, Elizabeth A.	Rheingold, Valet, Rhiengold, McCartney & Giuffra LLP (David Rheingold)	1
35	3:14-cv-1712	Cecil, Joseph	Gray & White (Doris A. Kim)	
36	3:14-cv-1457	Centers, Brenda	Gray & White (Doris A. Kim)	
37	3:12-cv-614	Chadwick, Kelly	Borri Law Offices (Greg Borri)	1
38	3:15-cv-223	Channel, Frederick	Bartimus Frickleton (Kirk Goza)	
39	3:14-cv-1647	Chisolm, Yolanda F	Campbell & Associates (Clair Campbell)	
40	3:14-cv-587	Clouet, Judith	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
41	3:14-cv-1560	Cochran, Jerry	Rick Barrera Law Firm (Richard Barrera)	
42	3:14-cv-468	Collins, Thereon	Brown Chiari, LLP (Theresa Walsh)	2
43	3:15-cv-077	Cook, Henry Allen	Milodragovich Dale & Steinbrenner (Dylan M. McFarland)	
44	3:15-cv-299	Colon, Victor	Black Law Group	

45	3:14-cv-1675	Crampton-Humphreys, Mary Ann	Mitchell Firm (Thomas W Mitchell)	
46	3:14-cv-506	Creech, Alan & Susan	Dow Law Group	2
47	3:14-cv-1108	Crouse, Michael	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)	
48	3:14-cv-1713	Davis, Lanerne	The Boerst Law Office (Bruce W. Boerst)*	
49	3:14-cv-2096	Davis, Milton	Stephens Anderson & Cummings LLP (Jason Stephens)	
50	3:14-cv-990	Deboe, Janet	Kolker & Germeroth LLC (Thomas P. Germeroth)	
51	3:14-cv-1505	DeJesus, Griseth	Maglio Christopher & Toale PA (Altom Maglio & Ilyas Sayeg)	
52	3:14-cv-1041	Denno, Muriel	Carey, Danis & Lowe (Jeffrey J. Lowe)	2
53	3:13-cv-001	Dishman, Windell	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	1
54	3:14-cv-1061	Donaldson, John	Carey, Danis & Lowe (Jeffrey J. Lowe)	
55	3:14-cv-1276	Dorrier, Joyce & James	Foley & Small LLP (Edmond Foley)	2
56	3:15-cv-224	Eagle, Elizabeth	Bartimus Frickleton (Kirk Goza)	
57	3:14-cv-1912	Easom, Judy R.	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	
58	3:14-cv-783	Edwards, Janie	Capretz & Associates (Don Ledgard)	2
59	3:14-cv-1563	Evans, Rodney	Stepovich & Vacura Law Office (Michael A. Stepovich)	
60	3:15-cv-218	Fahy, John	Randall Law Firm (Robert Randall)	
61	3:15-cv-020	Fallin, Patricia	Emily B. Kostelnik	
62	3:13-cv-1092	Fiacco, Robert	Pro Se	2
63	3:14-cv-773	Finch, Cleon Marvelle	Singleton Law Firm PA (Charles Singleton and Damon Singleton)	
64	3:13-cv-283	Fitzpatrick, Diana & John	Sullivan Papain Block McGrath & Cannavo P.C. (Andrew Carboy)	1
65	3:15-cv-024	Fleming, Gregory	Loncar & Associates (Brian Ulrich Loncar)*	
66	3:14-cv-1570	Fleury, Donna	Gregory N. McEwen (McEwen Law Firm)	
67	3:14-cv-866	Forister, Mary Jane	Bartimus Frickleton Robertson & Gorny PC (Kirk Goza)	
68	3:13-cv-554	Frasier, Linda	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)	
69	3:13-cv-1171	Frovik, Richard C.	McSweeney / Langevin (Rhett McSweeney)	2
70	3:14-cv-1649	Gaffney, James Tillman	William A. Jordan Law Office (William Ashley Jordan)	
71	W.Va. State Court	Galloway, Walter	The Headley Law Firm (Brian Headley)	
72	3:14-cv-1339	Garland, Mark	Morgan & Morgan PA (Laura V. Yaeger)	
73	3:15-cv-133	Garrison, Evelyn	Fuller Tubb Bickford & Krahl PLLC	
74	3:14-cv-2099	Gearon, Ellen I. & Raymond D.	House Packard LLC (Aaron Michael House)	
75	3:15-cv-166	George, Edward	Carey, Danis & Lowe (Jeffrey J. Lowe)	
76	3:15-cv-136	Giot, Susan & Joseph	Goldenberg Law, PLLC (Stuart Goldenberg)	
77	3:14-cv-2057	Glasser, Nina P.	Gray & White (Doris A. Kim)	
78	3:15-cv-142	Gluck, Robert	Barasch McGarry Salzman & Penson (Dana Cutting)	
79	3:14-cv-1585	Gonzalez, Magaly	Freedland Harwin Valori (Raymond W. Valori)	
80	3:14-cv-2034	Gonzalez, Veronica	Carey, Danis & Lowe (Jeffrey J. Lowe)	
81	3:13-cv-126	Goodwin, Rosalyn T.	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	1
82	3:14-cv-659	Gordon, Mark	Terry Garmey & Associates LLC (David Kreisler)	
83	3:12-cv-616	Graham, Olive	Johnson Becker, PLLC (Stacy Hauer)	1
84	3:15-cv-270	Graves, Beverly	Murray and Murray (John Murray)	
85	3:14-cv-840	Gray, Fredricko	Milavetz Gallop & Milavetz PHV (Gregory Malush & Michael Phoenix)	
86	3:14-cv-1112	Gregory, Marjorie	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)	
87	3:13-cv-087	Grenier, Stacy Rene	Pro Se*	
88	3:14-cv-516	Gronning, John	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
89	3:14-cv-555	Grove, Theodore	Fisher Boyd Brown & Huguenard LLP (Larry Boyd)	
90	3:14-cv-494	Groves, Barbara	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
91	3:14-cv-1784	Guynn, Marion	Christopher L. Coffin*	
92	3:14-cv-684	Hageman, Joanne	Gomez Trial Attorneys (Ahmed Diab)	2
93	3:14-cv-1583	Hagen, Michelle	Freedland Harwin Valori (Raymond W. Valori)	
94	3:14-cv-2024	Haggin, Lafaye	Kagan Law Firm PL (Elizabeth Kagan)	

95	3:14-cv-962	Hamilton, Karen	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
96	3:14-cv-1693	Hamm, John	Larson King LLP (T. Joseph Snodgrass)	
97	3:13-cv-1359	Harris, Chanton	Maglio Christopher & Toale PA (Altom Maglio & Ilyas Sayeg)	2
98	3:14-cv-1266	Harris, Youshawnenone	Jones Ward PLC (Lawrence Lee Jones PHV, II)	2
99	3:13-cv-398	Hart, Edward C. & Susan	Searcy Denney Scarola Barnhart & Shipley (Brenda Fulmer)	2
100	3:13-cv-713	Hegedty, James	Gomez Iagmin Trial Attorneys (John Gomez, Stephanie Poli, John Fiske)	1
101	3:14-cv-2005	Henderson, Charles	Henry Queener	
102	Transferred/awaitin	Hollifield, Karen	John A. Ziek	
103	3:15-cv-272	Hollins, Guan	The Simon Law Firm (Amy Gunn)	
104	3:14-cv-737	Holmes, George	Maglio Christopher & Toale PA (Altom Maglio & Ilyas Sayeg)	
105	3:15-cv-090	Hippe, Thomas L.	Gentry Locke Rakes & Moore LLP (H. David Gibson)	
106	3:14-cv-619	Hix, Randall	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
107	3:13-cv-537	Hudson, Kynan	Khorrami Boucher Sumner Sanguinetti, LLP (Barhar Dejban, Fontaine Yuk)	
108	3:14-cv-637	Hull, Janet	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
109	3:14-cv-543	Hunt, Tommy	Fisher Boyd Brown & Huguenard LLP (Larry Boyd)	2
110	3:13-cv-933	Jarquio, Nabileh	Pro Se	1
111	3:14-cv-1965	Jeffers, Walter Leroy & Elizabeth	Terrell Hogan PA (Christopher N. Shakib)	
112	3:13-cv-1193	Johnson, Michael M.	McSweeney / Langevin (Rhett McSweeney)	2
113	3:13-cv-1008	Jones, Jacquelyn	Bailey Perrin Bailey, LLP (Adam Peavy)	
114	3:14-cv-814	Jorgensen, Nancy	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
115	3:14-cv-961	Kava, Michael	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
116	3:14-cv-606	Keating, Kathryn	Capretz & Associates (Don Ledgard)	2
117	3:14-cv-614	Keith, Kathleen	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	
118	3:14-cv-1264	Kelly, Delia	Milodragovich Dale & Steinbrenner PC (Dylan McFarland)	
119	3:14-cv-393	Keys, Marilyn	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
120	3:14-cv-2017	Killion, Teri	Robert J. Debry & Associates (Nancy A. Mismash)	
121	3:14-cv-1044	Klimushyn, Patricia	Carey, Danis & Lowe (Jeffrey J. Lowe)	2
122	3:15-cv-225	Kleeschulte, Mary	Bartimus Frickleton (Kirk Goza)	
123	3:14-cv-1097	Knowles, Carolyn & Kenneth	Levin Fishbein Sedran & Berman (Michael Weinkowitz)	
124	3:14-cv-959	Koops, Debra	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	
125	3:12-cv-644	Kordash, Michael	Pro Se*	1
126	3:13-cv-1017	Korn, Richard & Marlene	Hardison & Cochran, PLLC (Karen Collins)	
127	3:14-cv-439	Krings, Mary & Jack	Goldenberg Law, PLLC (Stuart Goldenberg)	2
128	3:14-cv-480	Kubitz, Ned	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	
129	3:14-cv-942	Lacey, Caroline	Gilman Law LLP (Kenneth Gilman)	
130	3:15-cv-010	LaMielle, Robert & Gayle	Sommers Schwartz, P.C. (Robert Sickels)	
131	3:13-cv-130	Laspina, Frank	Viles & Beckman, LLC (Marcus W. Viles)	
132	3:14-cv-1960	Laughlin, Anna	Stein Mitchell Muse Cipollone & Beato LLP (Christopher Mitchell)	2
133	3:14-cv-1464	Lawson, Ralph	Robbins Kelly Patterson & Tucker (James Michael Kelly)	2
134	3:14-cv-897	Lewis, Camelia	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	
135	3:15-cv-216	Lewis, Nancy	Tom Rhodes Law Firm (Jesse Rhodes)	
136	3:14-cv-1147	Lissner, Terry	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)	
137	3:13-cv-075	Litvak, Michele & Paul	Pro Se	1
138	3:15-cv-150	Logan, Art	Mouton Bellingham PC (Gerry Fagan)	
139	3:14-cv-1722	Lucas, Johnny	Pro Se	
140	3:14-cv-1679	Luker, Angela M.	James Carter & Coulter PLC (Paul J. James)	
141	3:14-cv-1898	Macal, Danniell M.	Terrell Hogan PA (Christopher N. Shakib)	
142	3:14-cv-271	Mack, Marilyn	John T. Murray	
143	3:14-cv-1939	Mandel, Bryan & Barbara	Salvi Schostok & Pritchard PC (Jennifer L. Ashley)	
144	3:14-cv-2080	Manos, Rita	Skikos Crawford Skikos & Joseph (Steven J. Skikos)	
145	3:14-cv-768	Marous, George	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prickett)	2
146	3:14-cv-1559	Martin, Lawrence	Hepworth, Janis & Klusdal	
147	3:13-cv-1374	Martinez-Diaz, Miguel & Yolanda R	Izquierdo-San Miguel Law Office (Jorse M. Izquierdo-San-Miguel)	2
148	3:14-cv-2035	McAbee, James & Vivian	Richardson Patrick Westbrook & Brickman (Kimberly K. Palmer)	
149	3:12-cv-745	McCoy, JoAnna & Burgwin, Kenne	Jones Ward PLC (Lawrence Lee Jones PHV, II)	1

150	3:14-cv-1650	McGinn, Christine	William A. Jordan Law Office (William Ashley Jordan)	
151	3:13-cv-233	McGovern, Kevin & Sandra	Davis, Saperstein & Salomon, PC (Terrence Smith)	
152	3:15-cv-286	McWilliam, Joseph	Tom Rhodes Law Firm, PC	
153	3:14-cv-1244	Medlin, Daniel	The Lambert Firm PLC (Hugh Lambert)	
154	3:14-cv-592	Mernah, Mary & Patrick	Searcy Denney Scarola Barnhart & Shipley (Brenda Fulmer)	2
155	3:15-cv-296	Meyer, Carol	Girardi & Keese (James O'Callahan)	
156	3:14-cv-1983	Miles, Dynel E.	Brent Coon & Associates (Robert A. Schwartz)	
157	3:14-cv-1582	Milligan, Glen W	Larson King LLP (T. Joseph Snodgrass)	
158	Transferred/awaitin	Moise, Benjamin	Patrick Hufft	
159	3:14-cv-1291	Moldenhauer, Gregory	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan V	2
160	3:13-cv-765	Morris, Charlotte	The Miller Firm LLC (Peter Miller)	
161	3:14-cv-1297	Morrison, Thomas	Pittman, Dutton & Hellums, P.C. (Chris Hellums & Jonathan Mann)	
162	3:14-cv-310	Moxley, Mark	Khorrami Boucher Sumner Sanguinetti, LLP (Barhar Dejban	2
163	3:13-cv-284 and 3:1	Murphy, Nicole & Shannon	Novak Pavlik Deliberato, L.L.P. (Scott Perlmutter and William	1
164	3:14-cv-1850	Muzika, John & Pat	Whetstone & Spears (Bud B. Whetstone)	
165	3:13-cv-1358	Myles, Lillian	Murphy Law Firm (Denise Vinet & Peyton Murphy)	
166	3:14-cv-1540	Nelson, Eric J.	Strong Law Offices (Jason B. McGary)	2
167	3:14-cv-1651	Nelson, Patricia	William A. Jordan Law Office (William Ashley Jordan)	
168	3:14-cv-644	Newton, Oteria	Kiesel + Larson LLP (Helen Zukin)	
169	3:13-cv-358	Nicholson, Lori & Willis William	Schlesinger Law Offices, P.A. (Charles Patrick)	1
170	3:14-cv-1580	Nicholson, Scotty	Pro Se*	
171	3:14-cv-460	Nistal, Travon	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan V	2
172	3:14-cv-1954	Norcross, Theresa	Williams Iagmin (James S. Iagmin)	
173	3:14-cv-1487	Nunn, Debra E.	Welsh & Welsh PC LLO (Christopher P Welsh)	
174	3:14-cv-2051	O'Connor, Matthew	Smith Stag, L.L.C. (Merritt Cunningham, Michael Stag)	
175	3:15-cv-114	Ody, Nancy & Theron	Tom Rhodes Law Firm, PC	
176	3:14-cv-943	Olson, Paula	Gilman Law LLP (Kenneth Gilman)	
177	3:13-cv-472	Oswald, Joseph	Pro Se* (The Miller Firm LLC)	1
178	3:14-cv-1556	Overall, Wilson & JoAnn	Coffey & Nichols LLC (Mary Coffey)	2
179	3:15-cv-062	Paganetti, Alfred	Zimmerman Reed (Genevieve M. Zimmerman)	
180	3:14-cv-945	Parr, Darlene & James	The Onder Law Firm (Michael Kruse)	2
181	3:14-cv-2095	Paulsen, John	Stephens Anderson & Cummings LLP (Jason Stephens)	
182	3:15-cv-158	Perez, Kim	Pendley Baudin & Coffin LLP (Christopher L. Coffin)	
183	3:13-cv-318	Pierce, Cheryl	Schlesinger Law Offices, P.A. (Charles Patrick)	1
184	3:12-cv-570	Pizzitolo, Vincent	Silvestri & Massicot, LLC (Frank Silvestri)	1
185	3:15-cv-260	Prather, Trina	Fisher Boyd Brown & Huguenard LLP (Justin Presnal)	
186	3:14-cv-275	Price, Ned	Terrell Hogan PA (Christopher N. Shakib)	2
187	3:13-cv-247	Price, Wiley L.	Pro Se	1
188	3:13-cv-031	Reilly, William	Pro Se*	1
189	3:14-cv-612	Richards, Melissa	Pro Se	
190	3:15-cv-043	Rosenthal, Ellen & Stuart Gelband	Law Offices of Andrew J. Carboy LLC (Andrew J. Carboy)	
191	3:14-cv-298	Rosenthal, Janice	Fisher Boyd Brown & Huguenard LLP (Justin Presnal)	2
192	3:14-cv-340	Rosin, Marek	Franklin D. Azar & Assoc. PC (Tonya L. Melnichenko)	2
193	3:13-cv-219	Ross, Charles Thomas	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)	1
194	3:15-cv-068	Rowe, Rosalee A.	Bachus & Schanker, LLC (J. Kyle Bachus, Brian Bradford)	
195	3:15-cv-178	Ryan, Bridig	Whetstone & Odum (Emily B Kostelnik)	
196	3:14-cv-1506	Ryan, Michael	Searcy Denney Scarola Barnhart & Shipley (Brenda Fulmer)	2
197	3:15-cv-349	Salemy, Cheryl	Howard Ross	
198	3:13-cv-851	Sagrilla, Phyllis	Fisher Boyd Brown & Huguenard LLP (Justin Presnal)	
199	3:13-cv-200	Schebor, III, Charles W.	Searcy Denney Scarola Barnhart & Shipley (Brenda Fulmer)	1
200	3:15-cv-084	Scherer, Sheryn	Gomez Iagmin Trial Attorneys (John Gomez, Stephanie Poli, John Fiske)	
201	3:14-cv-1581	Schuberg, Joan	Freedland Harwin Valori (Raymond W. Valori)	
202	3:15-cv-355	Scott, Pamela	Marsh, Richard & Bryan (Michael Beard)	
203	3:14-cv-1065	Simmons, Michelle	Pro Se	2
204	3:14-cv-1055	Slater, Kimberly	Carey, Danis & Lowe (Jeffrey J. Lowe)	
205	D. S. Ca.	Smith, Gregory	The Mason Law Firm (Gabrielle Lee)	
206	3:15-cv-120	Smith, Larry	Fleming, Nolen & Jez, L.L.P. (G. Sean Jez)	
207	3:14-cv-1142	Snider, Michelle	Borland & Borland Attorneys at Law PC (Randall Borland)	
208	3:14-cv-1438	Soloducha, Joseph	Gomez Trial Attorneys (Ahmed Diab)	2

209	3:15-cv-358	Soustek, Anthony	Dennis O'Brien	
210	3:14-cv-776	Sparks, Margaret	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prichard)	2
211	3:14-cv-359	Speegle, Bess	Doyle Law Firm PC (James Doyle)	
212	3:14-cv-753	Spicer, Cheryle	Maglio Christopher & Toale PA (Altom Maglio & Ilyas Sayegh)	2
213	3:14-cv-1553	Sprinkle, Tina	Gomez Iagmin Trial Attorneys (Ahmed Diab)	2
214	3:14-cv-1652	Sitton, Robert	William A. Jordan Law Office (William Ashley Jordan)	
215	3:14-cv-309	Stanley, Thomas	Khorrami Boucher Sumner Sanguinetti, LLP (Barhar Dejbani, Fontaine Yuk)	
216	3:15-cv-209	Steeley, Jo Anne	Johnson Law Firm (William R. Johnson)	
217	3:14-cv-2014	Stephens, Todd	Robert J. Debry & Associates (Nancy A. Mismash)	
218	3:14-cv-1482	Stewart, Mary E.	Corban Gunn & Van Cleave (W. Corban Gunn)	
219	3:14-cv-1663	Stinchfield, Faye	Phipps Cavazos PLLC (Martin J. Phipps)	
220	3:14-cv-1654	Strange, Wilma	William A. Jordan Law Office (William Ashley Jordan)	
221	3:13-cv-954	Swarthout, Chris	Searcy Denney Scarola Barnhart & Shipley (Brenda Fulmer)	1
222	3:14-cv-1434	Taranto, Rita	Maglio Christopher & Toale PA (Altom Maglio & Ilyas Sayegh)	
223	3:14-cv-805	Tau, Kimberly Wolf	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prichard)	
224	3:14-cv-1271	Taylor, Patrick & Sharon	Gentry Locke Rakes & Moore LLP (H. David Gibson)	
225	3:15-cv-332	Torkelson, Harold	Fiore Law Group	
226	3:12-cv-569	Turner, Lana	Silvestri & Massicot, LLC (Frank Silvestri)	
227	3:14-cv-649	Tysenn, Gail & Edward	Podhurst Orseck PA (Ramon Alvaro Rasco)	2
228	3:14-cv-633	Ugliarolo, Joseph	Law Offices of Steven A. Varano PC (Joseph Slawinski)	
229	3:14-cv-424	Vanhoose, Sharon	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prichard)	2
230	3:14-cv-1051	Varwig, Elizabeth	Carey, Danis & Lowe (Jeffrey J. Lowe)	2
231	3:14-cv-1749	Walker, Barbara	Moore Rader Fitzpatrick & York PC (Daniel Rader)	
232	3:14-cv-890	Watson, Rex Neal	Pro Se*	2
233	3:13-cv-941	Weigand, Cheryl	Gomez Iagmin Trial Attorneys (John Gomez, Stephanie Polini)	2
234	3:13-cv-1068	Weiner, Jacqueline	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prichard)	2
235	3:13-cv-626	Wessels, Richard	Fisher Boyd Brown & Huguenard LLP (Justin Presnal)	1
236	3:14-cv-1655	White, James & Maria	William A. Jordan Law Office (William Ashley Jordan)	
237	3:13-cv-1004	White, Roger	Kiesel + Larson LLP (Helen Zukin)	
238	Transferred/awaitin	Wiebelhaus, James	Brian Jorde	
239	3:14-cv-905	Wikstrom, Elizabeth	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prichard)	2
240	3:14-cv-1955	Williams, Berna L. & William D.	Nash & Franciskato Law Firm (Brian S Franciskato)	2
241	3:13-cv-1245	Williams, Deborah	Justice Law (Cam Justice)	2
242	3:14-cv-772	Williams, Jeffrey	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prichard)	
243	3:14-cv-484	Willis, Cynetta	Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (Navan Ward, Jr. and Melissa Prichard)	2
244	3:13-cv-708	Wilson, Patricia (d/o/b 6-14-1960)	Fleming, Nolen & Jez, L.L.P. (G. Sean Jez)	1
245	3:14-cv-357	Wissman, Donald	Van Wey Law PLLC (Kay Van Wey)	
246	3:14-cv-450	Wohl, Mary Kae	Fisher Boyd Brown & Huguenard LLP (Justin Presnal)	2
247	3:14-cv-2002	Wohlleber, Edward	Campbell & Associates (Clair Campbell)	
248	3:15-cv-176	Wolter, Patricia	Whetstone & Odum (Emily B Kostelnik)	
249	3:14-cv-714	Wright, Michael Lance	Law Offices of Thomas P Willingham PC (Mary Miller)	

Exhibit B

EXHIBIT B

No.	Last Name	First Name	Plaintiff's Counsel	Docket No.	Date of Filing
1	Smith	Eugene	Cellino & Barnes	3:14-cv-01568	5/22/2014
2	O'Brien	Linda	Franklin D. Azar & Associates	3:14-cv-01876	9/9/2014
3	Tolbert	Carolyn	Hollis Wright Clay & Vail	3:14-cv-01828	8/21/2014
4	Schanck	Louis	Jones Ward	3:14-cv-01995	10/28/2014
5	Hall	Phillip	Jones Ward	3:14-cv-01867	9/4/2014
6	Mata	Velma	Nash and Franciskato	3:14-cv-01710	7/3/2014
7	Westervelt	Howard	Sanders Viener	3:14-cv-02028	11/17/2014
8	Thompson	Mary	Sanders Viener	3:14-cv-01836	8/26/2014
9	Sklenar	Kathryn	White & Weddle	3:14-cv-01501	5/5/2014
10	Coats	Leon	White & Weddle	3:14-cv-01537	5/13/2014
11	Lamb	Larry	White & Weddle	3:14-cv-01466	4/28/2014
12	Aderhold	Susan	White & Weddle	3:2015-cv-00359	8/13/2015