

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

_____)	CAUSE NO. 3:12-MD-02391-RLM-MGG
IN RE: BIOMET M2A MAGNUM HIP)	(MDL 2391)
IMPLANT PRODUCTS LIABILITY)	_____
LITIGATION)	
_____)	THIS DOCUMENT RELATES TO:
)	ALL CASES

ORDER

Upon consideration of the Plaintiffs Steering Committee #2’s Motion to Appoint Escrow Agent and Fee Committee #2, and any responses and replies thereto, and in furtherance of the Court’s Case Management Order Establishing Common Benefit Fee and Expense Funds (Doc. 1317-2; filed 2/03/2014) and the Amended Holdback Order Re: Common Benefit Fees and Costs (Doc. 3022, filed 12/07/2015) (collectively referred to as the “Common Benefit Order”), the Court, being fully advised, hereby orders and decrees as follows:

IT IS ORDERED, that Jessica Larbes, C.P.A., a qualified certified public accountant and employee of Garretson Resolution Group (“GRG”), shall establish the Biomet Common Benefit MDL Assessment Fund #2 (the “Fund #2”), which shall consist of two subaccounts, the Biomet Hip Common Benefit Attorney’s Fee Fund #2 and the Biomet Hip Common Benefit Cost Fund #2, and shall serve as the Escrow Agent for the Fund #2, performing the duties set forth in the Common Benefit Order. GRG shall support Mrs. Larbes in the performance of these duties. 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, who shall provide support to Mrs. Larbes on an as-needed basis. Mrs. Larbes shall provide detailed

quarterly bills to the Court and to Plaintiffs' Co-Lead Counsel, Brenda Fulmer, reflecting the work that she and the other members of GRG performed with respect to the Fund. Upon approval by the Court, Mrs. Larbes' and GRG's bills shall be paid from the Biomet Hip Common Benefit Cost Fund #2.

IT IS FURTHER ORDERED, that Brenda Fulmer, Navan Ward, Justin Presnal, and Jasper Ward are appointed as the attorney Fee Committee #2 members and that Sylvius von Saucken, GRG's Chief Compliance Officer and Fiduciary, is appointed as the non-attorney compliance Fee Committee #2 member. The non-attorney compliance Fee Committee #2 member will not have any voting rights. All attorney Fee Committee #2 members shall be compensated for their work on the Fee Committee #2 as part of their overall common benefit fee, to be approved by the Court in a separate order. GRG shall be compensated for Mr. von Saucken's work on the Fee Committee #2 at the hourly rate set forth in the Motion. Upon request, the Fee Committee #2 members shall provide detailed quarterly bills to the Court reflecting the work that they performed with respect to the Fund #2. Upon approval by the Court, all attorney Fee Committee #2 members' fees shall be paid from the Biomet Hip Common Benefit Attorney's Fee Fund #2, and Mr. von Saucken's fees shall be paid from the Biomet Hip Common Benefit Cost Fund #2.

IT IS SO ORDERED.

ENTERED: October 28, 2016

/s/ Robert L. Miller, Jr.
Judge
United States District Court