

RECEIVED

NOV 16 2012 *JS*

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

IN RE ACTOS (PIOGLITAZONE-
PRODUCTS LIABILITY LITIGATION

This Document Applies to:
All Cases

MDL No. 6:11-md-2299

JUDGE DOHERTY

MAGISTRATE JUDGE HANNA

CASE MANAGEMENT ORDER:
DEPUTY SPECIAL MASTER DEJEAN'S FEES AND COSTS

Pursuant to this Court's Order Appointing Special Masters, Deputy Special Master DeJean, was appointed to manage and oversee matters related to the Plaintiffs' Steering Committee. This Order will establish the rules under which Deputy Special Master DeJean is to submit his fees and costs for payment. By agreement of the parties, Deputy Special Master DeJean's fees and costs for payment shall be borne, until further notice, by the Plaintiffs.

IT IS HEREBY ORDERED that, beginning with the 4th quarter of 2012, Deputy Special Master DeJean shall:

- create quarterly statements, dated no later than 30 days after the quarter has ended, reflecting the time he has expended fulfilling his duties (in one-tenth hour increments), together with out-of-pocket expenses he has incurred, and such statements shall be maintained in his files until further order of this Court;
- simultaneously, Deputy Special Master DeJean shall submit to this Court (directing the submission to Magistrate Judge Hanna with a copy to Judge Doherty), a summary statement(s) from which any and all confidential information (as well as information referring to or identifying any confidential information) has been omitted. Only upon timely and proper request by an

appropriate party made in writing, and submitted to this Court through co-lead counsel for Plaintiffs, or their designee, and only if granted by this Court after allowing objection by an appropriate opposing party submitted through co-lead counsel for Plaintiffs, or their designee, shall the quarterly statements be made available to any appropriate party. Additionally, neither Magistrate Judge Hanna nor Judge Doherty will receive or review the quarterly statements without prior, full notice being given to co-lead counsel for the Plaintiffs.

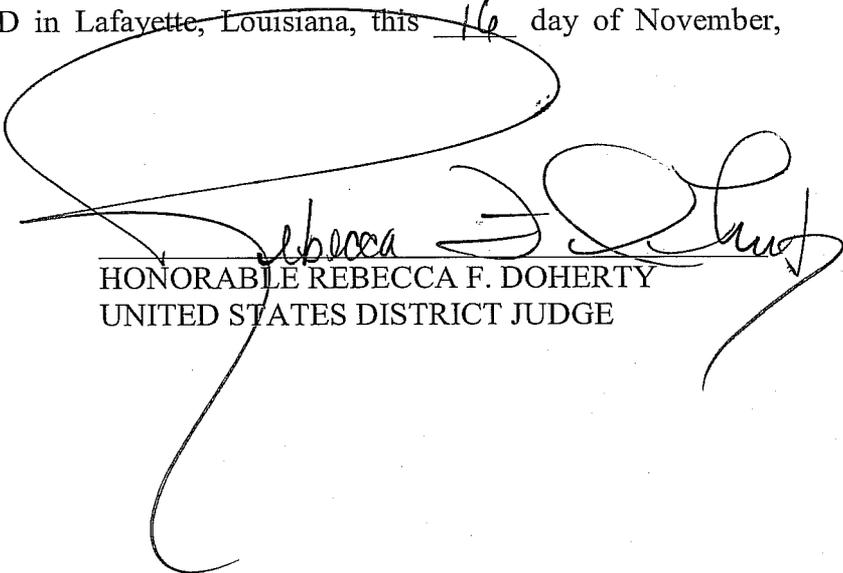
- with regard to fees and expenses incurred prior to the entry of this Order, Deputy Special Master DeJean shall submit statements (complying with the same procedure described above) in accordance with the following schedule:
 - for fees incurred in March, 2012, statements shall be submitted by November 26, 2012
 - for fees incurred in April, 2012, statements shall be submitted by December 3, 2012
 - for fees incurred in May, 2012, statements shall be submitted by December 10, 2012
 - for fees incurred in June, 2012, statements shall be submitted by December 17, 2012
 - for fees incurred in the 3rd quarter of 2012, statements shall be submitted by December 28, 2012.

All fees and expenses incurred on and after October 1, 2012 shall be submitted in accordance with the quarterly billing procedure described above.

IT IS HEREBY FURTHER ORDERED that the Deputy Special Master DeJean is excused from the obligation to provide detailed descriptions of his activities in his statements and Requests for Distribution of Funds. This Court finds that this unusual order is necessary because: (a) Deputy Special Master DeJean has expressly been granted the authority to

participate in *ex parte* contact with counsel for the Plaintiffs in these proceedings; (b) this Court is aware that, in the months since Deputy Special Master DeJean was appointed, counsel have freely exercised their right to engage in *ex parte* contact with him; (c) these *ex parte* exchanges have been extremely helpful to Deputy Special Master DeJean's ability to assist this Court in managing these proceedings much more efficiently than would have been the case without it; (d) this Court might not be able to protect Deputy Special Master DeJean's records from being subject to subpoena issued by other courts, either while these proceedings are ongoing or after they have been terminated; and (e) this Court wishes to ensure that Deputy Special Master DeJean's records are not used by any party or counsel to render non-confidential that which was discussed with a well-founded expectation of confidentiality.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 16 day of November, 2012.



HONORABLE REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE