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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

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

IN RE: ACTOS (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies to:
All Cases

MAGISTRATE JUDGE HANNA

CASE MANAGEMENT ORDER:
SPECIAL MASTER FEES AND COSTS

This Court has cast costs in this matter against the Plaintiffs and Defendants jointly, and has established a Joint Expense Account for the purpose of reimbursing such costs as they are incurred. This Order is entered for the purpose of establishing the rules under which the Special Masters are to submit their fees and costs for payment.

IT IS HEREBY ORDERED that, beginning with the 3rd quarter of 2012, Special Master Russo and Deputy Special Master Rodriguez shall:

- create quarterly statements, dated no later than 30 days after the quarter has ended, reflecting the time they have expended fulfilling their duties (in one-tenth hour increments), together with out-of-pocket expenses they have incurred, and such statements shall be maintained in their files until further order of this Court;
- simultaneously, the Special Masters shall submit to this Court (directing the submission to Magistrate Judge Hanna with a copy to Judge Doherty), and send to co-lead counsel for the Plaintiffs and Defendants for distribution to all MDL counsel within five (5) days thereafter, 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 the Court through the co-lead counsel(s) for Plaintiffs or Defendants, or their designee, and only if granted by this Court after allowing objection by an appropriate opposing party submitted through the co-lead counsel(s) for Plaintiffs or Defendants, or their designee, shall the quarterly statements be made available to any 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 and the Defendants.

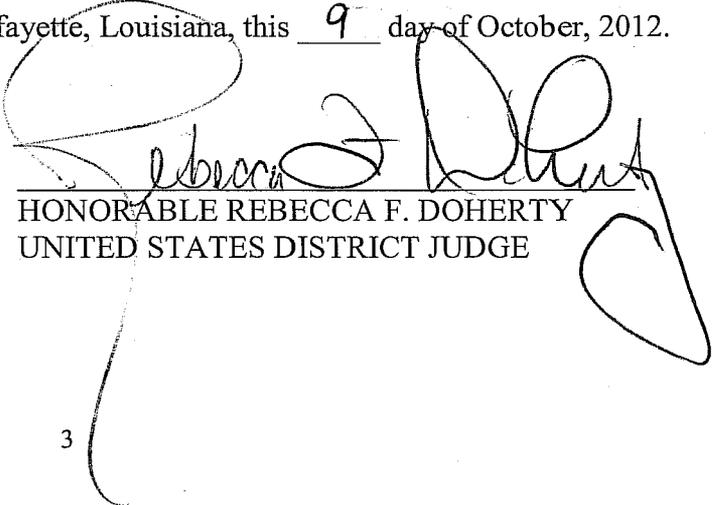
IT IS HEREBY FURTHER ORDERED that, with regard to fees and expenses incurred prior to the entry of this Order, Special Master Russo and Deputy Special Master Rodriguez shall submit statements (complying with the same procedure described above) in accordance with the following schedule:

- for fees incurred in March, 2012, statements shall be submitted by October 19, 2012
- for fees incurred in April, 2012, statements shall be submitted by October 26, 2012
- for fees incurred in May, 2012, statements shall be submitted by November 2, 2012
- for fees incurred in June, 2012, statements shall be submitted by November 9, 2012
- for fees incurred in the 3rd quarter of 2012, statements shall be submitted by November 16, 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 Special Masters in this case are excused from the obligation of providing detailed descriptions of their activities in their statements and Requests for Distribution of Funds. This Court finds that this unusual provision is necessary and appropriate as: (a) the Special Masters have expressly been granted by all involved the authority to participate in *ex parte* contact with counsel for all parties in these proceedings; (b) this Court and all parties are aware that, in the months since the Special Masters have been appointed, counsel have freely exercised their right to engage in *ex parte* contact with the Special Masters; (c) the parties and the Special Masters agree these *ex parte* exchanges have been extremely helpful to the Special Masters' ability to assist the parties and this Court in managing these proceedings much more efficiently than would have been the case without them; (d) thus, this Court must be able to protect the Special Masters' 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 the Special Masters' 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 9 day of October, 2012.



HONORABLE REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE