

APPLICATION AND EXPENSE REPORTING FOR THE NATIONAL OPIOID SETTLING DISTRIBUTORS/JANSSEN SETTLEMENT LITIGATING SUBDIVISION COST FUND

Presented By

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Welcome to today's webinar. My name is Amy Collins, and I am the Time and Expense Billing Manager and Auditor for the Opioid MDL. I'm also serving as an assistant to Special Master David Cohen, the Cost and Expense Fund Administrator overseeing the fee and cost funds for the Distributors and Janssen national settlement.

Co-presenting with me today are Sharon Uliana, Director of Operations at Rubris, and Richard Weinberg, Managing Director of Winbridge Partners.

Rubris has been retained by the Fee Panel and Cost and Expense Fund Administrator to create and manage the website for applications to the various fee and cost funds established by the Distributors and Janssen national settlement agreements.

Winbridge has been retained by the Cost and Expense Fund Administrator to assist in the accounting and administration of the fee and cost funds established by the Distributors and Janssen national settlement agreements.

On today's webinar, we will be reviewing the application process for the Litigating Subdivision Cost Fund. Sharon will be controlling the screen while I talk us through the application process. All three of us will be available to answer your questions during our live Q&A session at the conclusion of this webinar.

Agenda

This webinar will be recorded. Instructions for accessing the recording will be posted on

<https://OpioidFeePanelDocuments.com>

1	Completing the Expense Application in Crosslink Different applications for different applicant types
2	Entering Expenses into the Expense Report Demonstration of entering expenses
3	Questions Enter questions into Q&A box at the end of the webinar

Before we begin, let's take a look at today's agenda. First, we will show you how to complete the expense application in Crosslink, the secure portal created by Rubris to receive and process applications. We will also show you how to enter your expenses into the expense reporting templates and submit all applicable documents and other information required by the Administrator. At the conclusion of the webinar, we will have a live Q&A session.

For housekeeping purposes, we have disabled the chat function and ask that you submit all questions using the Q&A box at the bottom of your screen. Please wait until the conclusion of the webinar to submit your questions as it is likely that we will answer most of your questions at some point during this webinar and we don't want to clutter the Q&A box with questions that have already been answered. We will make sure you have plenty of time to submit your questions once we reach that point in the webinar. Also, for those of you who are unable to view this live webinar in its entirety, instructions for accessing the recording will be posted on the Fee Panel's website, OpioidFeePanelDocuments.com.

Application Process Overview

Step 1:	Access the secure Crosslink expense application by emailing a request to Rubris at CrosslinkSupport@Rubris.com
Step 2:	Complete the expense application within Crosslink
Step 3:	You will receive an audit notification from Crosslink after Nov. 1, 2022 instructing you to (1) amend/withdraw non-compliant expenses and (2) provide proof of payment documentation for selected expenses
Step 4:	Respond to Crosslink audit notification within 30 days by (1) amending/withdrawing non-compliant expenses and (2) providing proof of payment documentation for the selected expense entries

Before we get into the details, let's review the steps you will need to take to complete your application. First, any firm or subdivision who seeks reimbursement for their eligible expenses must request access to the expense application within Crosslink. To do so you must send an e-mail request to Rubris at CrosslinkSupport@rubris.com. This is true for all prospective applicants, including MDL participating counsel who have been submitting their monthly common benefit expenses. Next, complete the application within crosslink and provide all required information and documents as instructed within the application. While you are not required to submit with your application receipts or other expense backup, referred to as proof of payment documentation, you will be required to provide it for selected expenses identified by the Administrator during the audit process. Third, you will receive an audit notification from crosslink after the expense application deadline. The audit notification will identify those expense entries that are ineligible or non-compliant and will identify those expenses that have been selected by the Administrator requiring proof of payment documentation. You must respond to the crosslink notification within 30 days of receipt by amending or withdrawing non-compliant expenses and providing the required proof of payment documentation for the selected expense entries. Failure to complete all of these steps will result in a denial of reimbursement for your expenses.

Resources

Before beginning your application, review the following documents:

	<i>Order Establishing Application Protocols for Compensation of Costs and Expenses Under the Janssen and Distributors Settlement Agreements</i> (Doc. 4469)
	All relevant Orders entered in MDL 2804
	Exhibit R to the Distributors/Janssen Settlement Agreements
	Guide to Expense Billing Under the Distributors/Janssen Settlement Agreements

The documents referred to in today's webinar are located at the official website of the Fee Panel and Cost and Expense Fund Administrator

<https://OpioidFeePanelDocuments.com>

There are several documents which we will be referencing in today's webinar. These are located on the Fee Panel website. Most importantly, you will want to review the Expense Application Protocol Order, Doc 4469, all relevant orders entered by the MDL court, Exhibit R to the Distributors/Janssen settlement agreements, and the expense billing guide. It is recommended that these documents be reviewed in their entirety prior to beginning your application.

Guide to Expense Billing Under the Distributors and Janssen Settlement Agreements

<https://OpioidFeePanelDocuments.com>

01	Expense reporting process and deadline for submission	04	MDL Participating Counsel expense self-auditing instructions
02	Instructions for completing the Distributors/Janssen Common Benefit Expense Report	05	Chart of eligible expense categories
03	Expense limitations and special guidelines	06	General information regarding the audit process

The expense billing guide posted on the Fee Panel website contains detailed information to assist you in preparing your expense reports, including instructions, expense limitations, and special guidelines. We highly recommend reviewing this completely prior to beginning your application and also having a copy open while you are preparing your expense reports and completing the application.



Fee and Cost Funds

Exhibit R of the Distributors/Janssen Settlement Agreements

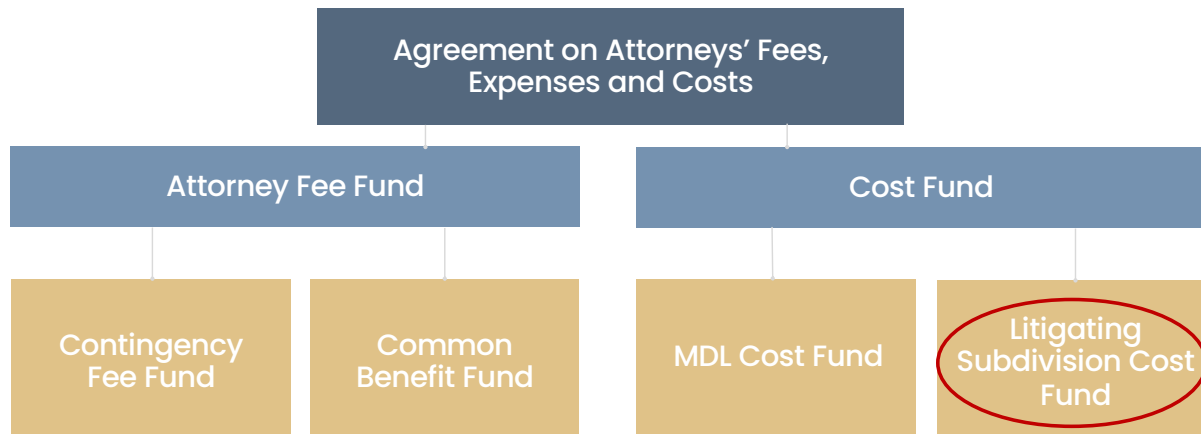


Exhibit R of the settlement agreements describes the various funds established to compensate those eligible for attorneys' fees and costs under the national Distributors/Janssen settlement agreements. The two funds established by Exhibit R are the Attorney Fee Fund and the Cost Fund. The Attorney Fee Fund is divided into 2 sub funds. Those are the Contingency Fee Fund and the Common Benefit Fund. The Contingency Fee Fund and the Common Benefit Fund were established to compensate attorneys engaged in qualifying representations of Participating Litigating Subdivisions. The applications deadlines for these two funds have passed.

The Cost Fund is divided into 2 sub funds. Those are the MDL Cost Fund and the Litigating Subdivision Cost Fund. The MDL Cost Fund was established to reimburse the MDL for expenses incurred as approved by the Administrator. There is no application process for that fund.

In today's webinar, we'll focus on the Litigating Subdivision Cost Fund which can be found on page 10 of Exhibit R. We will refer to it as the Cost Fund for short throughout this webinar.

Eligibility

“The Litigating Subdivision Cost Fund shall be available:	
Counsel	to compensate Attorneys for costs and expenses arising out of representation of Participating Litigating Subdivisions; or
Subdivisions	to compensate Participating Litigating Subdivisions for direct in-house costs for expenditures related to their litigation against the Settling Distributors and Janssen...”
Incurred on or before July 1, 2021	“... the Administrator shall not allocate any funds for costs incurred after July 21, 2021.”

Let's begin with eligibility. The Litigating Subdivision Cost Fund is available to compensate subdivisions and their outside counsel for costs incurred on or before July 21, 2021 related to litigation against the settling distributors or Janssen. Per the Administrator, costs incurred related to settlement with the settling distributors or Janssen are also eligible assuming all other eligibility requirements are met.

Who May Apply?



Participating Litigating Subdivisions



Outside Counsel for Participating Litigating Subdivisions

The following entities, including counsel who incurred costs representing same, are ineligible:

- | | |
|--------------------------------|--------------------------------|
| Non-Participating Subdivisions | NAS Claimants |
| Non-Litigating Subdivisions | Personal Injury/Wrongful Death |
| Private hospitals | States |
| Third-party payors | Tribal Nations |

This means that only Participating Litigating Subdivisions and their outside counsel are eligible. Non-litigating and non-participating subdivisions as well as other entities not defined as subdivisions in the settlement agreements are not eligible to apply, nor are the attorneys who incurred expenses arising out of representation of these entities. To be clear, only Participating Litigating Subdivisions and their outside counsel are eligible to apply for reimbursement of costs related to litigation against and settlement with the settling distributors and Janssen.

Participating Litigating Subdivision

“Participating Litigating Subdivision.” A Litigating Subdivision that is also a Participating Subdivision

Exhibit C contains a list of all Litigating Subdivisions

Must be participating by November 1st

Because only Participating Litigating Subdivisions and their outside counsel are eligible to apply to this fund, it is important that you verify your eligibility prior to beginning your application. So, what is a Participating Litigating Subdivision? Exhibit R defines a Participating Litigating Subdivision as a litigating subdivision that is also a participating subdivision.

A list of all litigating subdivisions can be found in Exhibit C of the settlement agreements. The cutoff date for subdivisions to qualify as participating litigating subdivisions for purposes of this fund is the date of the deadline to submit the expense application, which is November 1st.

The Administrator has no authority to amend Exhibit C. Thus, if you believe your subdivision is a litigating subdivision, but does not appear on Exhibit C, it will be your responsibility to contact the defendants to add your subdivision to the exhibit.

Cost Fund Applicant Types

**You must request access to your application by emailing
CrosslinkSupport@rubris.com**

1

Subdivisions

2

MDL Participating Counsel

3

Non-MDL Participating Counsel

The required materials to be submitted within the Expense Application are dependent on the type of applicant. This chart shows the three different applicant types. They are Subdivisions, MDL Participating Counsel, and non-MDL Participating Counsel. You will be assigned an application in Crosslink based upon your applicant type after you contact Rubris to request access to an application.

MDL Participating Counsel

The Order Regarding Plaintiff Attorneys' Fee and Expenses ("Fee and Expense Order") (Doc. 358) defines MDL Participating Counsel as:

- 1 Co-Lead Counsel
- 2 Co-Liaison Counsel
- 3 PEC Members
- 4 Counsel authorized in writing by Co-Lead Counsel and signed Participation Agreement
- 5 Attorneys and staff of 1-4 above

I want to pause here to define MDL Participating Counsel because that term is used in the Expense Application Protocol Order, the expense billing guide, and throughout this webinar. The Fee and Expense Order defines MDL Participating Counsel as Co-Lead Counsel, Co-Liaison Counsel, the PEC, those firms authorized in writing to perform common benefit work by Co-Lead counsel who signed a participation agreement, and attorneys from those respective firms.

MDL Participating Counsel

	Required to submit common benefit time and expenses monthly per the <i>Fee and Expense Order</i> (Doc. 358)
	Expenses submitted for costs incurred through July 21, 2021 have or should have already been submitted
	Counsel are provided a prepopulated spreadsheet of these submitted expenses and must self-audit for compliance with criteria established by the Administrator as contained in the Expense Billing Guide
	Self-audited expenses must be uploaded to Crosslink on the template provided
	Past due or missing expenses may be added to the end of the spreadsheet

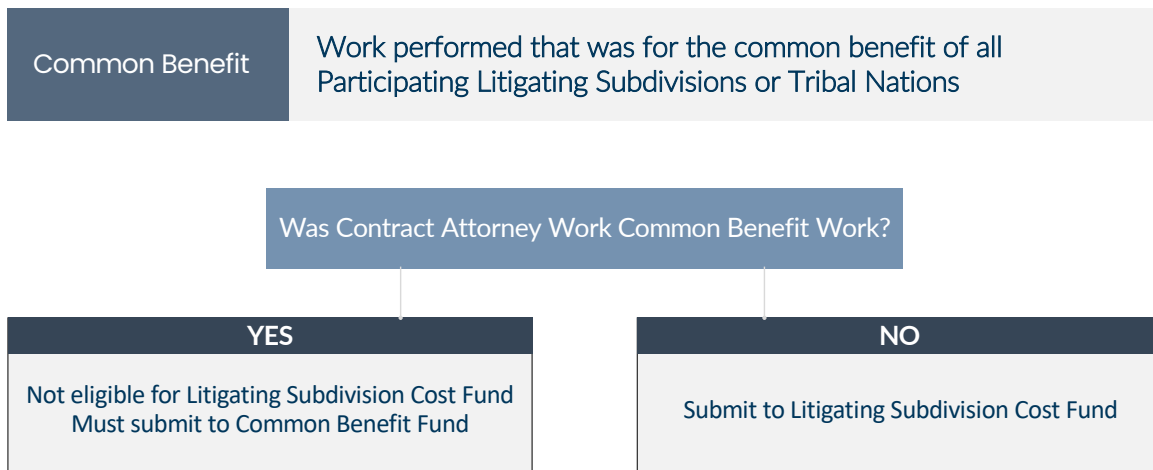
The reason we've made the distinction between MDL and non-MDL Participating Counsel in the application is because MDL Participating Counsel are being provided within their application a prepopulated spreadsheet containing all expenses previously submitted pursuant to their monthly time and expense reporting duties under the Fee & Expense Order. Counsel are required to use this spreadsheet to self-audit their previously submitted expenses for compliance and, after amending and/or withdrawing entries, upload the self-audited spreadsheet into Crosslink.

Cost Fund Applications

	MDL Participating Counsel	Non-MDL Participating Counsel	Subdivisions
Contact Information	✓	✓	✓
Expense Record Submission	MDL Expense Spreadsheet Distributors/Janssen Expense Report	Distributors/Janssen Expense Report	Distributors/Janssen Expense Report
Contract Attorneys	Only if non-common benefit	Only if non-common benefit	N/A
In-House Employees	N/A	N/A	Only if case was designated as federal or state court bellwether
IRS Form W-9	✓	✓	✓
Declaration	✓	✓	May have additional declaration to sign if submitting costs for in-house employees

We're next going to demonstrate how to complete an application within Crosslink. Before we begin, let's take a look at the different applications and their differences and similarities. All applications will require the contact information for the person completing the application. This will be the person that we will contact in the event we have questions or issues with your application. Next there will be a page for you to submit your expense report. As previously stated, MDL Participating Counsel will download their prepopulated expense spreadsheet directly within their Crosslink application and will also be able to complete the Distributors/Janssen expense report for any non-MDL expenses. Non-MDL Participating Counsel and Subdivisions must use the Distributors/Janssen expense report to submit their expenses in Crosslink. Both the MDL expense spreadsheet for MDL Participating Counsel and the Distributors/Janssen expense report for all applicants will be accessible in Crosslink once you log into and begin your expense application. Counsel may submit the cost for contract attorneys if the work performed by the contract attorneys was not common benefit work. Note that subdivisions are not eligible to submit the cost of contract attorneys. However, they are permitted to submit costs for in-house employees, but only if their case was designated as a federal or state court bellwether. All applicants will be required to submit a completed IRS form W9 and provide the contact information for the person at their firm or subdivision who is authorized to sign a declaration on behalf of their firm or subdivision. Subdivisions who submit costs for in-house employees will have to sign an additional declaration for those costs.

Contract Attorneys



Some firms hired contract attorneys to perform work such as document review. These are temporary attorneys typically hired through a vendor and paid on an hourly basis. MDL Participating Counsel and non-MDL Participating Counsel may seek reimbursement for the cost of these contract attorneys, but will first need to analyze if the work performed by the contract attorneys was for the common benefit of all participating litigating subdivisions or tribal nations. If the work performed was common benefit work, then counsel must seek compensation for their contract attorneys from the common benefit fund. If the work performed by the contract attorneys was not common benefit work, then the cost for those contract attorneys may be submitted for reimbursement from the Litigating Subdivision Cost Fund. Counsel submitting costs for contract attorneys must complete the contract attorney template and contract attorney time records template in the Crosslink application.

Now, let's begin completing an application within Crosslink using an MDL Participating Counsel firm for our first example. Because much of the material contained within the MDL Participating Counsel application is the same as the material contained within the non-MDL Participating Counsel and Subdivision applications, all prospective applicants should pay close attention to this demonstration.

MDL Participating Counsel Application Demo

After logging into Crosslink, you will see a task has been created for you. To begin, click the “start” button. You'll be brought to the welcome page where you will be instructed to review materials before beginning your application. If you haven't already done so, you can click on the blue hyperlink text to open the Order, Exhibit R, and a copy of the expense billing guide. After reviewing those documents, which are also located on the Fee Panel website, you can click “next” to continue.

On the contact information page, you'll enter the name, title, e-mail, and phone number of the person to be contacted in case we have questions related to your application. Note that this person does not have to be the same person who will be executing the declaration on behalf of your firm.

After entering the firm contact information, click “next” and you will be taken to the expense record submission page. The text on this page provides instructions for you to download your firm's prepopulated expense spreadsheet so that you can amend or withdraw those expense entries for compliance with the criteria and limitations established by the Administrator as contained in the expense billing guide. You will also be able to submit any non-MDL expenses not appearing on your prepopulated MDL expense spreadsheet. Once you arrive at this page, we recommend that you click through all of the options on this page as well as the information and options on the remaining pages to preview the documents and information you will be required to submit with your application. Let's preview that information together quickly and then we will return to the expense records submission page. Although you must enter all required information into the application before submitting it, you are still able to navigate to other pages within the application without first completing this information. To do so, rather than clicking on the “next” button, you can click on the page you want to navigate to in the box on the right-hand side of your screen.

The next section of the application pertains to the cost for contract attorneys. We will review this page in more detail later in the webinar.

On the next page of the application before arriving at the final review page, you will be required to upload a completed firm IRS form W9, provide the contact information for the person from your firm who is authorized to execute the declaration on behalf of your firm. You can preview a read only copy of the declaration.

Now that we've previewed all of the pages in this application, including the answer options and required documents, let's go back to the expense record submission page and begin with downloading and amending your MDL expense spreadsheet. To navigate to that page, you can click on the back button or click on “Expense Record Submission” in the navigation box on the right-hand side of the screen.

Again, this section is where you will download your firm's prepopulated expense spreadsheet. On that spreadsheet you will review the entries, withdraw all those entries that are not in compliance, or amend entries to bring them into compliance. Let's download this firm's expense spreadsheet and review how to amend the entries.

Click "Download MDL expense spreadsheet" to download your firm's prepopulated spreadsheet of MDL expenses that have been submitted to the auditor through May 2022. When you open the spreadsheet, you'll notice that there are additional columns not contained within the time and expense report used by MDL Participating Counsel to submit their monthly common benefit time and expenses. This is because the Administrator is requiring additional information which must be provided on this template. Those columns are the vendor column, columns to provide case details, and columns to indicate whether the expense is eligible for reimbursement from another fund, such as a state backstop fund, and a column to indicate whether the expense is a common benefit expense.

Let's walk through a few of these entries to see what needs to be amended or withdrawn and how to do so. This firm's MDL expense report contains some examples of expense entries previously submitted by some firms. For our demonstration today, we've highlighted the cells that will need to be completed. We've also highlighted those cells that will need to be amended to bring them into compliance. Note that your firm's MDL expense spreadsheet will not contain any highlighted entries; this is shown here today for demonstration only. Let's take a look at this first example.

We know that only expenses incurred on or before July 21, 2021 are eligible for reimbursement from the Cost Fund. This entry is dated August 4, 2021, after the cutoff date. However, the description contains the date of July 6, 2021. I included this example because I've seen this issue often where a firm will enter in the date column a date other than the date on which the expense was incurred, such as the billing date of their credit card statement for example. This is why, instead of providing the MDL firms with a prepopulated expense spreadsheet of only those expense entries dated on or before July 21, 2021, we included all expenses submitted to date.

To amend this entry, we will enter July 6, 2021 in the date column. The vendor name for this entry will be West Publishing. We will also need to amend the description to provide more detail for the purpose of the legal research. In this example, we're going to type "legal research for CT3 pretrial motions." Next, we'll need to select from the drop-down box in Column H whether this expense entry pertains to the federal MDL, state coordinated proceedings, or a subdivision. We're going to assume for this example that the Williams firm is on the law and briefing committee and performing legal research for CT3. Therefore, we will select federal MDL from the drop-down box. We will not enter any text into the subdivision detail because this is not for a specific subdivision, and then we can enter "CT3" in the federal MDL state coordinated detail cell. We're going to select "no" for eligible for reimbursement from another

fund, and “yes” that this is a common benefit expense. You’ll notice that we’ve made our changes directly within the expense entry rather than retyping or submitting a new entry.

The next example is for air travel to a deposition. This entry appears to have been exported from an accounting software system or other report because the name is American Express. That will need to be corrected by entering the name of the firm member who incurred the air travel cost. Next, we have an issue with the date. Per the billing guide, date ranges are not to be entered into the date column. If your expense covers a range of dates, such as hotel or air travel, you will enter the first date of the date range into the date column. You will also enter the date range in your detailed description. Before we get there, let's be sure to enter the vendor name in the vendor column. In this example, we're going to use United Airlines. We've highlighted the detailed description because this description is not sufficiently detailed to provide us with enough information to determine if this is a compensable expense. Additionally, it does not contain all information that is required for travel costs per the billing guide. For deposition-related expenses, you should provide the name of the witness, and if possible, their connection to the litigation, such as their defendant or third-party affiliation. To amend this description so that it is in compliance with the billing guide, we’re going to type in “round trip airfare” and then enter the travel dates into this description and provide the purpose of the travel, which was to attend the McKesson deposition of David Gustin. Next, we’re going to select federal MDL. Because this is a general MDL expense, we’re not going to enter anything into the federal MDL state coordinated detail column. Again, we will select “no” for eligible for reimbursement from another fund and “yes” for common benefit. Because MDL participating counsel were required to submit their common benefit expenses on a monthly basis, it is likely that most of those expenses appearing on the MDL participating counsel expense report will be common benefit expenses.

That is not always the case however, so let's take a look at an expense appearing on this firm's spreadsheet that is not a common benefit expense. First, the name column is blank. For expenses incurred by a firm generally, such as a complaint filing fee, you may enter the name of the firm rather than the name of an individual firm member. Our date and category codes are fine, however we will need to add the vendor name in the vendor column. The description for this particular entry is fine because we are going to provide the name of the subdivision for whom the complaint was filed. We’re going to select “subdivision” from the drop-down box and then we'll just select the very first subdivision that's listed which is “Odonia City Arkansas”. Now, if this firm participated in the 2018 audit there is a good chance that I had flagged this particular entry as non-common benefit because it was a case specific expense for a case that is not designated as a bellwether or common benefit case. However, as we previously discussed, there is no common benefit requirement for the Cost Fund. This means that although this firm may have withdrawn this expense in response to the 2018 audit, they may choose to submit it for reimbursement from the Cost Fund. Because we've selected “subdivision” and entered the subdivision detail, there is no need to enter any information in the federal MDL state coordinated detail column. We’re going to select “no” for eligible for reimbursement from another fund. I don't know if that's actually true or not for this particular subdivision but let's assume it is for our example today. And then we’re going to select “no” for common benefit. To

reiterate, expenses do not need to be common benefit expenses to be compensable from this Cost Fund. We'll look at one more example together and then move on.

Our last example does not have a firm member name, however it appears that this expense is ineligible for reimbursement from the Cost Fund because it was incurred after July 21, 2021. There is no need to add a firm name or fix the date in the date column because we are going to withdraw it. There are two ways you may withdraw an expense appearing on your expense report. The first is to enter "withdrawn" in the detailed description column and enter zero in the amount column. Or you can select the row or rows containing those entries that you would like to withdraw, right click, and then select "clear contents." Note that you are unable to delete rows and columns because this spreadsheet is locked. However, you are able to clear contents individually and in bulk, which will come in handy for those firms who have submitted several expense entries for costs incurred after July 21, 2021.

Be advised that withdrawing an expense entry from this expense spreadsheet does not forever withdraw it for consideration from future cost funds. Expenses submitted which are not fully compensated from this Cost Fund may be carried forward and may be eligible for future common benefit and/or settlement cost funds. Submitting your expenses on this template will ensure that we will be able to track those expenses previously compensated and not previously compensated for any future expense application process.

Continue reviewing each entry to make sure that all columns are properly filled out, descriptions are sufficiently detailed and include all required information as set forth in the billing guide, and that all amounts are within the applicable limits. Again, we highly recommend that you have a printed or on-screen copy of the expense billing guide handy while you are amending your expenses.

If, while reviewing your expense spreadsheet, you identify expenses that are missing, you may add those to your expense spreadsheet at the bottom. To do so, scroll to the last entry of your expense spreadsheet and then begin typing in the row below. After you have completed reviewing, amending, and/or withdrawing your expense entries, you will save the file and then upload it to Crosslink.

If you have non-MDL expenses, those are expenses incurred for work performed outside of the MDL and not appearing on the prepopulated MDL expense spreadsheet, you may submit them on a separate expense report. If you select "no," you can then move on to the last question where you will enter the total amount of expenses your firm is submitting for reimbursement. If you select "yes," you will be able to click on the link to download the blank Distributors/Janssen expense report where you will enter your non-MDL expenses. Once completed, you'll upload that expense report and then enter the total amount sought for reimbursement, which will include the total amount contained on your self-audited MDL expense spreadsheet plus the total amount on the Distributors/Janssen expense report. Both the MDL expense spreadsheet and the Distributors/Janssen expense report will provide the totals at the top of the spreadsheets.

After you've submitted yourself self-audited MDL expense spreadsheet and, if applicable, the Distributors/Janssen expense report containing your non-MDL expenses, and have entered your total expenses incurred, you can move on to the contract attorney page.

As previously stated, costs for contract attorneys may only be submitted for reimbursement from this Cost Fund if the work performed by those contract attorneys was not for the common benefit. If the work was for the common benefit, you may not submit those costs here, but you may be able to seek compensation for that work from the Common Benefit Fund. We're going to select "no" for this example. We will review the contract attorney section in detail when we complete the non-MDL Participating Counsel application.

After submitting your expense reports and documents in support of the cost for contract attorneys, if applicable, you will be taken to the next page of the application where you will upload your completed IRS form W9 and enter the contact information for the person authorized to execute the declaration on behalf of your firm. Please note that line one of the IRS form W9 is required and line 5 requires a physical address; PO boxes are not permitted. Failure to properly complete all fields of the IRS form W9 may result in delay of payment. If you wish to preview a read-only copy of the declaration to determine the person at your firm who is authorized to execute the declaration, you may do so by clicking on the blue hyperlink text. We recommend that you review the declaration to ensure that the authorized person at your firm can accurately and truthfully attest to all statements made therein.

Please note that this is a read-only copy and only declarations executed via DocuSign will be considered valid. Declarations will be sent via DocuSign within two weeks from the date that you submit your application in Crosslink. To ensure timely receipt of the declaration, as well as all other communications and notifications from Crosslink, please add Crosslinksupport@Rubris.com to your list of safe senders.

Before completing your application, you will have an opportunity to perform a final review. Please carefully review all responses and documents uploaded into Crosslink for accuracy and completion. You may download a copy of your application for your records by clicking the "Download PDF" button. Once you have thoroughly reviewed your application, click on the "complete" button. A warning will appear notifying you that you cannot make changes to your application after it's submitted without approval of the Administrator. If you are ready to submit your application click "complete" again. If you have failed to enter required information or upload required documents, you will receive an error notification and will be taken to the screen to enter the missing information. After entering the missing information, you can navigate to the final review page where you can click on "complete" again to submit your application.

MDL Participating Counsel

MDL Participating Counsel are to submit self-audited expenses appearing on their expense spreadsheet and may submit additional expenses following the instructions in the Expense Billing Guide

	Do Not Resubmit Expenses
	Add Past Due MDL Expenses to Your Expense Spreadsheet
	Add Non-MDL Expenses to the Distributors/Janssen Expense Report
	Submit Contract Attorney Cost Info if Not Common Benefit
	Withdrawn and ineligible expenses may be reimbursed from a future fund

Before we move on to Non-MDL Participating Counsel and Subdivision applications, let's recap:

1. MDL Participating Counsel are NOT to resubmit their expenses. Your firm's previously submitted expenses are included in the prepopulated MDL expense spreadsheet that you will be downloading and self-auditing within your Crosslink application.
2. If you've fallen behind on submitting your monthly expenses, now is the time to get caught up on any expense incurred on or before July 21, 2021. Just add them to the end of the spreadsheet.
3. If you have incurred expenses that are not subject to the monthly reporting requirements of the Fee & Expense Order then those should be submitted separately on the Distributors/Janssen expense report.
4. If you paid for contract attorneys to perform common benefit work, you may only submit those costs for reimbursement from this fund if the work they performed was not common benefit work.
5. Expenses that are withdrawn due to ineligibility may be eligible for reimbursement from one or more future funds. This is also true for expenses that are not reimbursed in full from this fund. We will cover that in more detail in a future webinar once we get to the audit process.

Non-MDL Participating Counsel Application Demo

Now, let's take a look at the application for non-MDL Participating Counsel. The application for non-MDL participating counsel is identical to that for MDL Participating Counsel with one exception, there is no prepopulated expense spreadsheet available for download since these firms have not previously submitted expenses. Thus, these firms will only be using the Distributors/Janssen expense report to submit their eligible expenses.

The first two pages of the application, the welcome page and the contact information page, are identical to those same pages in the MDL Participating Counsel application so we will not review those again. The next page is the expense record submission page. However, we're going to skip forward to the contract attorney page because for this example we're going to assume that this firm has eligible contract attorney costs. Let's take a look at that screen now and walk through the process for submitting costs for contract attorneys.

To submit costs for contract attorneys, select "yes" in the drop-down box and then click on the blue hyperlinked contract attorney template. Enter the required information for each contract attorney for whom you seek reimbursement. Once completed, you will upload the file here. In addition to completing the contract attorney template, you will also be required to submit a completed contract attorney time records template. Click on the hyperlink text to download the spreadsheet for the contract attorney records template. Enter the required information into the template. If you wish to import detailed time records obtained from the vendor or your firm's internal time keeping system, you will be able to copy and paste that exported information into the template. A video tutorial on how to copy and paste records into the various templates will be posted on the Fee Panel website.

Now that we have all of our contract attorney information prepared, we can go back to the expense reporting page to enter our expenses into the expense report, including our cost for contract attorneys. Navigating back to the expense record submission page, we begin by downloading the Distributors/Janssen expense report template by clicking on the blue hyperlink text. Once opened, you can begin entering your expenses into the template. As stated previously, you may copy and paste expenses that have been exported from your firm's accounting or expense tracking software and a video tutorial on how to do that will be posted to the Fee Panel website. After entering your expenses into the expense report, either manually or by pasting them in, you will still need to verify that all columns are correctly and completely filled out for each expense entry. Let's review a few examples together.

To speed things up, we've already copied and pasted expenses into the expense report. A few things to point out: First, for any expenses that are general firm expenses and don't pertain to a specific firm member, you can enter the name of the firm in the name column. In the date column, we made sure that we entered one date and not a range of dates. Using the drop-down box in the spreadsheet, we've selected the appropriate category code for each expense. Next, we've entered the vendor name for the expenses. We've made sure that our detailed descriptions provide all the necessary information as required by the billing guide. We've also

made sure that each expense is within the applicable limits contained in the billing guide. In Column G, we will then select whether the expense pertains to a specific subdivision or state coordinated proceeding.

Our first expense is for a subdivision, so in the drop-down box, we'll select "subdivision." In the subdivision detail column, we will need to enter the name of my subdivision. You can either click on the drop-down box and scroll down and select the subdivision, or you can click on the subdivision list tab, search for your subdivision using the search box, copy and then paste the text into the subdivision detail column. If your subdivision does not appear on the list but is a Participating Litigating Subdivision, then you may type the name of the subdivision into the subdivision detail column using the same naming convention as those listed in the subdivision list. Because we selected "subdivision" and we've included the name of this subdivision in the subdivision detail column, we do not need to enter any text into the state coordinated detail column. You will then need to determine if the expense is eligible for reimbursement from another fund. Here we're going to select "no." And then we're going to select "no," that this filing fee is not a common benefit expense.

The next entry we've entered is for costs for contract attorneys. Using the amounts that we've previously entered into the contract attorney template, we see that the total amount spent on contract attorneys was \$25,000. Please note that in addition to entering the line-item expense for the contract attorneys into the expense report, you will still be required to complete the contract attorney template and the contract attorney time records template located on the contract attorneys page of the application. Because we reviewed each page of the application prior to beginning, we were able to gather the cost information for our contract attorneys, total up the cost incurred, and enter that amount into our expense report. Here, our contract attorneys were hired to perform document review in a state coordinated proceeding. We'll select state coordinated proceeding from the drop-down box. We won't select anything in the subdivision detail column because we did not select "Subdivision." Instead, we will enter the state coordinated detail information into this state coordinated detail column. Here, we've entered Arizona consolidated. We've selected "no" for Columns J and K and now we can move on to our next expense entry. After we've entered all of the required information, we will save the expense report and then upload it to the application.

After completing all pages of the application and uploading all required documents, we can navigate to the review page where you will have an opportunity to review your application in its entirety, download a copy, and then submit the application by clicking on "complete" and then "complete" again.

So, to recap for the non-MDL Participating Counsel expense application, it is identical to the MDL Participating Counsel expense application with the exception of the expense record submission page, which does not contain a prepopulated expense spreadsheet.

Before we begin the subdivision application, let's take a look at the difference between the subdivision application and the applications for counsel.

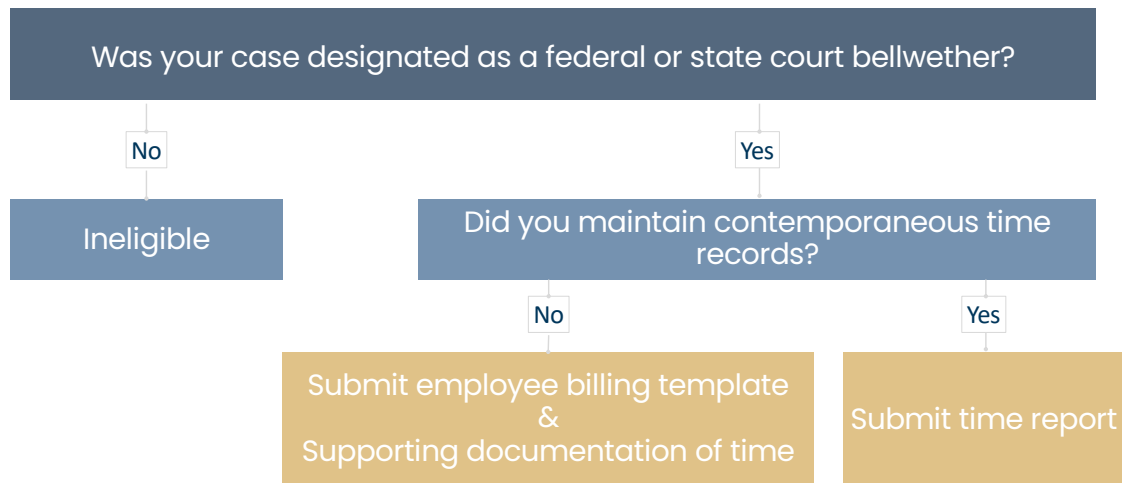
Subdivisions

Subdivisions are eligible to apply directly to the Litigating Subdivision Cost Fund for direct in-house costs incurred

	Subdivisions may apply for direct in-house costs
	Counsel may request access to and submit the application on behalf of their subdivision client
	Only authorized representative from the subdivision may execute the declaration
	Subdivisions may submit costs for in-house employees only if their case was designated as a federal or state court bellwether

Subdivisions who have incurred costs related to their litigation against and settlement with the settling defendants may apply to the Litigating Subdivision Cost Fund for reimbursement of those expenses. Subdivisions will be permitted to allow their outside counsel to request access to and submit applications on their behalf. However only authorized representatives from the subdivisions may execute the declaration. If the subdivision's case was designated as a federal or state court bellwether, then that subdivision is also permitted to seek reimbursement for the costs of their in-house employees.

In-House Employees



After uploading the expense report, Subdivisions will then be asked if their case was designated as a federal or state court bellwether. If their case was not designated as a federal or state court bellwether then the Subdivision will not be permitted to submit the costs for in-house employees. If the Subdivision's case was designated as a federal or state court bellwether, then the Subdivision will be required to submit within Crosslink either an employee billing template and supporting documentation of time or a time report depending on if the subdivision maintained contemporaneous time records for their in-house employees. Detailed instructions, including the templates to be used, are included within the Subdivision's Crosslink application.

Subdivision Application Demo

Let's take a look at that now. The welcome page and contact information page are identical to those pages in the counsel applications so we won't review those again. Navigating to the expense record submission page, we see that subdivisions are required to download the Distributors/Janssen expense report to enter their expenses. However, it is on this page where the application for subdivisions differs from that of counsel.

Here, you will be asked if your case was designated as a federal or state court bellwether. If you select "no," you will not be able to submit information regarding the cost of in-house employees. However, if you select "yes," you will then be asked if you are submitting costs for in-house employees. If you select "yes" to this question, additional text will appear describing the information that must be submitted. You will then be asked if you maintained contemporaneous time records for your in-house employees. If you select "yes," the text shown on the screen will appear and you will be instructed to download and complete the in-house employee time report template. After completing the employee time report, the total amount will be displayed at the top of the template, and you can enter that amount into your expense report.

If your subdivision did not maintain contemporaneous time records for your in-house employees for whom you seek compensation, then you will need to complete and submit the employee billing template and provide documentation in support of the hours described in the in-house employee billing report.

After you've entered all expenses into your expense report, including, if applicable, the cost for in-house employees, verify that all required information is properly entered into the expense report, verifying that descriptions are sufficiently detailed, and all expenses are within the allowable amounts contained in the billing guide. Then upload your completed expense report. At the bottom of this page, enter the total amount of expenses incurred by your subdivision. Then, navigate to the next page.

The remaining pages of the application are identical to those pages in the counsel applications so we will not review those again. However, it is important to note that subdivisions who submitted the cost for in-house employees will be required to execute two declarations. One is for the entire expense application and the other is specific to the cost for in-house employees, if applicable. After entering the required information on this screen and previewing the declaration or declarations, you can then navigate to the final review page where you can review your application, download a copy for your records, and then click "complete" to submit.

Declarations

	Declarations will be sent via DocuSign
	May take up to two weeks to receive
	Subdivisions will execute two Declarations if they submitted in-house employee costs

Now that we've demonstrated how to complete each of the applications let's recap a few important points. First all, declarations will be sent via DocuSign. It may take up to two weeks for you to receive the DocuSign e-mail after submitting your expense application. Please be sure to add CrosslinkSupport@rubris.com to your list of safe senders to ensure timely receipt of the declaration and all communications from Rubris. Also, those Subdivisions who have submitted costs for in-house employees will be required to execute two declarations, one that's specific to the cost of in-house employees and one in support of their entire application.

Audit Process

	Applicants will be notified of non-compliant expenses
	Applicants will be notified which expense entries require proof of payment documentation
	Audit responses and proof of payment due within 30 days of Audit notice
	Detailed instructions of the Audit process will be provided prior to the Audit

We will be reviewing all submitted expenses for eligibility and compliance with the orders and limitations contained in the billing guide. Ineligible and non-compliant expenses will be flagged and applicants will receive notice of the affected expense entries and the reason for ineligibility or noncompliance. Applicants will be provided 30 days from receipt of their Crosslink audit notification to withdraw, amend, or otherwise bring the affected expense entries into compliance. Applicants will also be required to submit proof of payment documentation for selected expense entries identified by the Administrator. Detailed instructions and training on the audit process, including responding to audit notices and requests for proof of payment and other information, will be provided at a future date. Continue to monitor the Fee Panel website for updates on audit guidelines and training.

Application Process

Date	Task
July 27, 2022	Prospective Applicants begin requesting access to the Expense Application by emailing Rubris at CrosslinkSupport@Rubris.com
November 1, 2022	Deadline to submit Expense Applications
Rolling basis	Applicants receive Audit notifications from Crosslink
30 days after Audit Notification	Deadline to respond to Audit

➤ Late submissions will not be accepted without prior leave of the Administrator and only for good cause shown

Now that we've covered the application process, how do you get started? Beginning today, eligible firms and subdivisions may contact Rubris to request access to the secure Crosslink expense application by emailing them at CrosslinkSupport@rubris.com. The deadline to submit applications, including all required materials within the application, is November 1st, after which Rubris will close access to the applications. Late submissions will not be considered without prior leave of the Administrator and only for good cause shown. An audit will be conducted of all expense applications and applicants will be notified of non-compliant or ineligible expenses and will also be notified of those expenses requiring proof of payment documentation. These notifications will occur on a rolling basis and applicants will have 30 days from the receipt of the notice to respond and provide all requested information. Again, instructions and training regarding the audit process will be provided at a later date, but prior to the day Rubris begins sending audit notifications. Audit process training dates and materials will be posted on the Fee Panel website.

At the beginning of the presentation, I indicated that we would give you time to ask questions by entering your questions in the Q&A box. Before we get there, let's cover some anticipated questions.

Frequently Asked Questions

Can a Subdivision and their outside counsel apply?

- Yes, as long as not applying for the same expense(s)
- Counsel who wish to submit an application on behalf of their Subdivision may do so but only the Subdivision representative may execute the declaration
- Approved expenses submitted by a Subdivision will be paid to the Subdivision or to whomever the Subdivision designates

Do I have to submit expense receipts with my application?

- No, but the Administrator will request it for selected expenses
- 30 days from notification to provide proof of payment

Are only common benefit expenses eligible?

- No, eligibility is determined by Exhibit R and does not have a common benefit requirement
- However, the Administrator may prioritize payment of common benefit expenses over non-common benefit expenses

Can a subdivision apply for reimbursement of expenses if their outside counsel is also applying for reimbursement of expenses? Yes, as long as the subdivision and their outside counsel are not applying for reimbursement of the same expense(s). A subdivision may permit their counsel to submit an application on their behalf, but their counsel cannot execute the declaration on behalf of the subdivision. Further, any expenses approved for payment that are submitted with a Subdivision application will be paid to the subdivision, not their counsel, unless the subdivision instructs otherwise.

Do I have to submit receipts with my expense application? No, but the Administrator will request information for selected expense entries during the audit process. Applicants are highly encouraged to collect and organize this information now and be prepared to provide it to the Administrator upon request. Note that applicants will only be allowed 30 days to respond to audit notices and requests for proof of payment information.

Are only common benefit expenses eligible for reimbursement from the Litigating Subdivision Cost Fund? No. However, the Administrator may, in the discretion granted to him by the Court and Exhibit R, prioritize payment of certain expenses, such as those expenses incurred during the performance of work that inured to the common benefit, over those that did not.

Frequently Asked Questions

My firm only represented Tribal Nations. Are those expenses eligible for reimbursement?

- No
- However, expenses for general common benefit work on tribal matters may be eligible
- Example: Travel expenses incurred by a member of the Tribal Leadership Committee who presented an update on the tribal litigation to the PEC

I want to submit the cost of the contract attorneys that I hired, but I'm not sure if the work they performed was for the common benefit. What do I do?

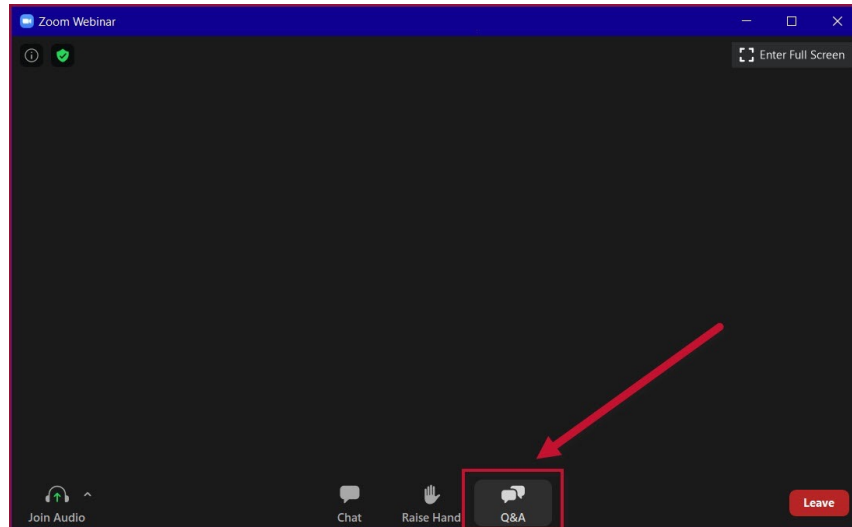
- Submit the contract attorney costs with your application
- Include the required contract attorney template and detailed time records
- Will be notified if work appears to be common benefit

My firm only represented tribal nations. May I submit our expenses for reimbursement? Expenses incurred in furtherance of representation of a tribal nation or tribal nations are not eligible for compensation from the Litigating Subdivision Cost Fund. However, if your firm incurred expenses in performing general common benefit work on tribal matters, those expenses may be submitted for review of eligibility. An example would be travel expenses incurred by a member of the Tribal Leadership Committee who presented an update on the tribal litigation to the PEC. Expenses incurred for work on a specific tribal case or cases are not eligible.

I want to submit the cost of the contract attorneys that I hired, but I'm not sure if the work they performed was for the common benefit. What do I do? Submit the cost of contract attorneys with your application and upload all required materials, including the contract attorney template and the detailed time records for the contract attorneys. We will review the records and advise you if the contract attorney time should be submitted as common benefit time. If so, you will need to contact Rubris to request that they reopen your common benefit application so that you can amend it to include your contract attorney time. Because the application deadline for the common benefit fund has passed, it will be for the Fee Panel to determine if you may amend your common benefit application.

Questions

Please enter your questions into the Q&A box located at the bottom of your Zoom window.



Now we're going to open it up to questions. I'll pause for a moment to give you time to submit your questions using the Q&A box at the bottom of your zoom window. If we're unable to answer your question on the webinar today, we will respond to you via e-mail with an answer sometime after the webinar. Additionally, we will be posting a full FAQ document on the Fee Panel website as we receive more questions. Please be sure to check the Fee Panel website often for updates. I'll pause for one more minute and then we'll begin answering questions.

AMY L. COLLINS, PC

ATTORNEY AT LAW



RUBRIS



WINBRIDGE

QUESTIONS?

Expense Application Questions

ExpenseFund@opioidfeepaneldocuments.com

Technical Support

CrosslinkSupport@rubris.com

Questions regarding the Expense Application should be sent to ExpenseFund@opioidfeepaneldocuments.com. Registration requests for access to the secure Expense Application and technical questions regarding the Crosslink website should be sent to CrosslinkSupport@Rubris.com.

Thank you for attending this webinar. Our registration invitation for the next webinar, which will cover the audit process, will be sent after the deadline to submit applications but prior to the audit process.