

JOINT GLOBAL SUBDIVISION COST AND EXPENSE FUND

Frequently Asked Questions

My firm submits expenses to the Auditor each month. I'm reviewing the pre-populated spreadsheet in Crosslink and noticed that some of those expenses are missing.

First, verify that you already submitted those expenses for reimbursement from the Distributors/Janssen Litigating Subdivision Cost Fund. If they were not, you may add them to the pre-populated spreadsheet. If they were, you may **not** resubmit those expenses. They were disallowed. Any expenses you previously submitted for reimbursement to the Distributors/Janssen Litigating Subdivision Cost Fund that were disallowed have been re-reviewed by the Auditor for potential eligibility for reimbursement from the Joint Global Subdivision Cost and Expense Fund. If those expenses are now eligible for reimbursement, they were added to the Applicant's pre-populated spreadsheet in their Crosslink Application.

What expenses are included on the pre-populated spreadsheet in my Crosslink application?

If you are MDL Participating Counsel, your pre-populated expense spreadsheet **will** include the expenses you submitted to the Auditor each month pursuant to the MDL Court's Fee & Expense Order (Doc. 358) that were incurred through December 9, 2022, but **will not** include: (1) expenses that have been reimbursed, and (2) expenses that were previously disallowed and remain ineligible for reimbursement from the Joint Global Subdivision Cost and Expense Fund. If you had any expenses that were disallowed for reimbursement from the Distributors/Janssen Litigating Subdivision Cost Fund but are now eligible for reimbursement from the Joint Global Subdivision Cost and Expense Fund, those **will** be included on the same pre-populated spreadsheet.

If you are non-MDL Participating Counsel, your pre-populated expense spreadsheet will contain any expenses that were disallowed for reimbursement from the Distributors/Janssen Litigating Subdivision Cost Fund but are now eligible for reimbursement from the Joint Global Subdivision Cost and Expense Fund.

Which expenses were not eligible for reimbursement from the Distributors/Janssen Litigating Subdivision Cost Fund, but are now eligible for reimbursement from the Joint Global Subdivision Cost and Expense Fund?

- Costs incurred after July 21, 2021
- Costs incurred in furtherance of representation of Tribal Governments
- Costs incurred in furtherance of representation of litigating subdivisions that did not participate in the Distributors or Janssen Settlements but did participate in one or more of the New Five Settlements.

I thought costs and expenses did not have to be for the Common Benefit to be eligible for reimbursement?

That was true of for the Distributors/Janssen Litigating Subdivision Cost Fund. However, the Joint Global Subdivision Cost and Expense Fund requires that, to be reimbursable, costs and expenses be either:

1. Common Benefit expenses; or
2. Incurred in furtherance of active litigation of a designated state or federal bellwether trial-set case.

What are Common Benefit expenses?

Common Benefit expenses are those expenses arising out of work performed for the benefit of all Participating Subdivisions or Tribal Nations, including, but not limited to, pretrial matters, discovery, trial preparation, trial, settlement negotiations, and all other work that advances the general interests of the Participating Subdivisions and Tribal Nations.

If the expenses I submit are not Common Benefit, are they still eligible for reimbursement?

Yes, so long as they were incurred in furtherance of active litigation of a designated state or federal bellwether trial-set case. This means that non-Common Benefit costs and expenses will need to meet the following eligibility requirements:

1. The costs and expenses were incurred in furtherance of representation of a Participating Litigating Subdivision or Tribal Nation;
2. The Participating Litigating Subdivision or Tribal Nation's case must have been designated by a Federal Court or State Court as a bellwether case;
3. The Participating Litigating Subdivision or Tribal Nation's case must have been set for trial; *and*
4. The costs and expenses must have been incurred in furtherance of active litigation, after suit was filed (pre-suit investigative costs are ineligible).

May Participating Litigating Subdivisions and Tribal Nations submit their own applications for reimbursement of in-house costs, including the costs of in-house employees, or must they apply through their outside counsel?

Participating Litigating Subdivisions and Tribal Nations may submit their own applications for reimbursement of eligible in-house costs and expenses, so long as their cases were trial-set federal or state court bellwethers. This includes the costs of in-house employees. These costs and expenses may not be considered for reimbursement until the Administrator has determined there are sufficient funds remaining in the Joint Global Subdivision Cost and Expense Fund after reimbursing all approved outside counsel costs and expenses.

I received a notification from Crosslink that my Joint Global Subdivision Cost and Expense Fund Application is available, but all of my expenses were already reimbursed from the Distributors/Janssen Litigating Subdivision Cost Fund or some other source. Do I still need to submit an application?

No. If you do not seek reimbursement of any additional expenses, you may notify Rubris to close your Joint Global Subdivision Cost and Expense Fund Application by sending an email to CrosslinkSupport@rubris.com.

Will there be an audit process?

Yes. The audit process will be identical to the process used for the Distributors/Janssen Litigating Subdivision Cost Fund Application.

Do I have to submit expense backup (i.e., receipts, invoices, credit card statements) with my application?

No. The Auditor will review each expense and determine which entries require expense backup. A detailed spreadsheet of those entries will be provided to each Applicant with their Audit Notice. Although the Auditor may request backup for **any** expense submitted for reimbursement, the following expense entries are most likely to be flagged for needing expense backup:

- Expert retainers and fees
- Fees for professional services
- Document repository expenses
- Document review platform expenses
- Fees for investigative services
- Excessive travel expenses (hotel, airfare, meals)

My pre-populated expense spreadsheet lists some expenses dated after December 9, 2022. Why is that?

Some firms entered the incorrect date for their expenses when they submitted them. The Auditor conducted a brief first-pass review to identify all potentially eligible expenses. The expense spreadsheet includes expenses that may have been **incurred** prior to the December 9, 2022 cutoff date, even though the date entered by the Applicant is after the cutoff date.

Since the Auditor included expenses in my pre-populated spreadsheet, does that mean they will be reimbursed?

Not necessarily. The Auditor identified all expenses that are **potentially** eligible for reimbursement based on information provided by the Applicant. Applicants must review each expense to confirm eligibility and add the required information in the template before submitting for reimbursement from the Cost Fund.