

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION	)	CASE NO. 1:17-MD-2804
OPIATE LITIGATION	)	
	)	David R. Cohen
THIS DOCUMENT RELATES TO:	)	Randi S. Ellis
“All Cases”	)	Hon. David R. Herndon
	)	
	)	<u>FEE PANEL ORDER NO. 32-A:</u>
	)	<u>FINAL RECOMMENDED</u>
	)	<u>ALLOCATION OF</u>
	)	<u>COMMON BENEFIT FEE AWARDS</u>

As described more fully in *Fee Panel Order No. 32* (“FPO-32”) (attached as Exhibit A and incorporated herein by reference), this Honorable Court appointed the undersigned as members of the Fee Panel, to administer Attorney Fee Funds created under various global MDL Settlement Agreements. The Court charged the Fee Panel with allocating Common Benefit Fee Awards from Common Benefit Fee Funds.

On February 29, 2024, the Fee Panel issued *FPO-32* confidentially to all of the 97 Common Benefit Fee Applicants. *FPO-32* set out the Fee Panel’s ***preliminary*** recommendation of common benefit fee allocations, and described the process the Fee Panel undertook to reach its conclusions. The Fee Panel stated it would hear any objections, and would then file *FPO-32* on the MDL docket, along with its ***final*** recommendation of common benefit fee allocations.

The Fee Panel received written objections from nine Fee Applicants, and permitted oral argument from each. Having considered these objections and all of the materials described in *FPO-32*, the Fee Panel now issues its ***final*** recommendation of common benefit fee allocations, shown in the attached chart.

As described in the Court’s “*Order Establishing Application Protocols for Reimbursement*

of Common Benefit Attorneys' Fees ("Protocol Order") (docket no. 4344), applicants who filed written objections may appeal their Final Recommended Awards to the MDL Court. *See also FPO-32* at 28-30. "Any appeal of the Fee Panel's final fee allocation recommendation shall be reviewed by the Court under an abuse of discretion standard." *Protocol Order* at 11; *see also Settlement Agreement Exhibit R §II.B.4* at R-4 ("Any appeal of an award of the Fee Panel from the Common Benefit Fund will be made to the MDL Court and be reviewed under an abuse of discretion standard."). "The Court has plenary authority regarding the awarding of common benefit attorneys' fees and will make the final determination of an approved distribution of fees from the Fee Fund." *Protocol Order* at 11.

In *FPO-32*, the Fee Panel imposed a \$50,000 fee for an applicant to file an objection; the Panel explained this fee could be refunded in full or in part, depending on how the Panel ruled on the objection. *See FPO-32* at 28. Upon further consideration, the Panel now concludes that all nine objecting applicants will receive full refunds of those fees. Those refunds will be wired back in due course.

With the entry of this final recommendation, the Fee Panel now considers its deliberations closed regarding the Common Benefit Funds addressed in *FPO-32* at 4 n.4. Absent requirement otherwise, any future deliberations and conclusions by the Fee Panel regarding any ***other*** Common Benefit Funds will be separate from and independent of its work on *FPO-32*.

RESPECTFULLY SUBMITTED,

/s/ ***David R. Cohen***
Randi S. Ellis
David R. Herndon
FEE PANEL

Dated: June 7, 2024

FINAL RECOMMENDED AWARD CHART

Rubris Claim No.	Firm	Preliminary Recommended Award	Preliminary Recommended Award After Holding Back 10%	Final Recommended Award
CL-162475	Andrus Anderson, LLP	0.3231872%	0.2908684%	0.3133752%
CL-163974	Baird, Mandalas, Brockstedt Federico Cardea, LLC	0.0039408%	0.0035467%	0.0038211%
CL-166272	Bertram & Graf, L.L.C.	0.0017470%	0.0015723%	0.0016940%
CL-162481	Blasingame, Burch, Garrard & Ashley, PC	0.0239399%	0.0215459%	0.0232131%
CL-162565	Boies Schiller Flexner LLP	0.2508739%	0.2257865%	0.2432574%
CL-162684	Boni, Zack & Snyder, LLC	0.0000000%	0.0000000%	0.0000000%
CL-163969	Brown Rudnick LLP	0.0747140%	0.0672426%	0.0747140%
CL-166364	Bryant Law Center	0.0000000%	0.0000000%	0.0000000%
CL-162575	Carella, Byrne, Cecchi, Olstein, Brody & Agnello P.C.	1.8121368%	1.6309231%	1.7571205%
CL-162436	Carey Danis & Lowe	0.1574967%	0.1417470%	0.1527151%
CL-162476	Casey Gerry Schenk Francavilla Blatt & Penfield LLP	0.0786394%	0.0707755%	0.0762519%
CL-166361	Cates Law Firm, LLC	0.0000000%	0.0000000%	0.0000000%
CL-163666	Chadwick and Associates, PLLC	0.0003602%	0.0003242%	0.0003492%
CL-162577	Cicala Law Firm PLLC	0.2426002%	0.2183402%	0.2352349%
CL-162438	Cohen & Malad, LLP	0.1580404%	0.1422364%	0.1532423%
CL-163664	Cohen Milstein Sellers & Toll PLLC	0.2982140%	0.2683926%	0.2891603%
CL-162681	Crueger Dickinson, LLC	1.1861753%	1.0675578%	1.1501631%
CL-166362	Danenhower Law Firm, LLC	0.0000000%	0.0000000%	0.0000000%
CL-166271	Dewsnup, King, Olsen, Worel, Havas, Mortensen, Milne	0.0000000%	0.0000000%	0.0000000%
CL-164963	Dicello, Levitt, Gutzler	0.0000000%	0.0000000%	0.0000000%
CL-166274	Dugan Law Firm	0.2947796%	0.2653017%	0.2858301%
CL-162432	Fields Han Cuniff PLLC	0.1020146%	0.0918131%	0.0989174%
CL-162437	Fitzsimmons Law Firm, PLLC	0.1912015%	0.1720814%	0.1853967%
CL-166294	Frazer PLC	0.1822503%	0.1640252%	0.1767172%
CL-164721	Friedman, Dazzio & Zulas, P.C.	0.0000000%	0.0000000%	0.0000000%
CL-163667	Gilbert LLP	0.2350367%	0.2115330%	0.2279010%
CL-163972	Goldstein & Russell, P.C.	0.0000000%	0.0000000%	0.0000000%
CL-163971	Gray and White	0.2131027%	0.1917924%	0.2066329%
CL-166273	Hagens Berman Sobol Shapiro LLP	0.1699187%	0.1529268%	0.1647600%
CL-162490	Hendy Johnson Vaughn Emery	0.0167537%	0.0150783%	0.0162451%
CL-163962	Henrichsen Law Group	0.0004323%	0.0003891%	0.0004192%
CL-166201	Hobbs Straus Dean & Walker, LLP	0.1815151%	0.1633636%	0.1760043%
CL-163970	Holland Law Firm	0.0099313%	0.0089382%	0.0096298%
CL-163539	Irpino Law Firm	2.3214457%	2.0893012%	2.2509668%
CL-166276	Jinks, Crow & Dickson	0.0188231%	0.0169408%	0.0182516%
CL-166385	John Young Law Firm	0.0025482%	0.0022934%	0.0024708%
CL-162474	Kaufman & Canoles, P.C.	0.0331392%	0.0298253%	0.0321331%
CL-163968	Keating Muething & Klekamp PLL	0.0541911%	0.0487720%	0.0525459%
CL-162480	Keller Postman LLC	0.0061968%	0.0055771%	0.0060087%
CL-162309	Keller Rohrback L.L.P.	3.0892947%	2.7803653%	2.9955040%
CL-162431	Kopelowitz Ostrow Ferguson Weiselberg Gilbert	0.0282051%	0.0253846%	0.0273488%
CL-166293	Laborde Earles Law Firm	0.0148275%	0.0133448%	0.0143773%
CL-165902	Lanier Law Firm	5.1777189%	4.6599470%	5.0205238%
CL-581156	Law Offices of Travis R. Walker, P.A.	0.0000000%	0.0000000%	0.0000000%
CL-163963	Leger & Shaw	0.0260039%	0.0234035%	0.0252144%
CL-162608	Levin Sedran & Berman	0.0000000%	0.0000000%	0.0000000%
CL-163554	Lieff Cabraser Heimann & Bernstein, LLP	5.8274087%	5.2446679%	5.6504891%
CL-166200	Magleby Cataxinos & Greenwood	0.0000000%	0.0000000%	0.0000000%
CL-166258	Matthew Cate	0.0000000%	0.0000000%	0.0000000%
CL-162693	Mehri & Skalet	0.0000000%	0.0000000%	0.0000000%
CL-163967	Meyers & Flowers, LLC	0.0000000%	0.0000000%	0.0000000%
CL-162571	Milberg Coleman Bryson Phillips Grossman, LLC	0.0051513%	0.0046362%	0.0049950%
CL-163957	Miller Law Firm, P.C.	0.5666557%	0.5099901%	0.5494520%
CL-166261	Mitchell & Speights LLC	0.0000000%	0.0000000%	0.0000000%
CL-163668	Mooney Wieland PLLC	0.0000000%	0.0000000%	0.0000000%
CL-162683	Morgan & Morgan Complex Litigation Group	2.3127565%	2.0814809%	2.2425414%
CL-171482	Moskowitz Law Firm, PLLC	0.0000000%	0.0000000%	0.0000000%
CL-162308	Motley Rice LLC	17.2008833%	15.4807950%	18.6091362%
CL-163537	Napoli Shkolnik, PLLC	8.6994105%	7.8294695%	8.4352971%

Rubris Claim No.	Firm	Preliminary Recommended Award	Preliminary Recommended Award After Holding Back 10%	Final Recommended Award
CL-162497	National Consortium ¹	11.8521678%	10.6669510%	11.4923369%
CL-162570	Ochs Law Firm, LLP	0.0151405%	0.0136265%	0.0146809%
CL-163960	Oths, Heiser, Miller, Waigand & Clagg, LLC	0.0004313%	0.0003882%	0.0004182%
CL-166275	Phipps Ortiz Talafuse, PLLC	0.0000000%	0.0000000%	0.0000000%
CL-163964	Plevin & Gallucci Co, LPA	0.6597969%	0.5938172%	0.6397656%
CL-166277	Prince, Glover & Hayes	0.0037483%	0.0033734%	0.0036345%
CL-163538	Renne Public Law Group	0.0101590%	0.0091431%	0.0098505%
CL-162435	Robbins Geller Rudman & Dowd LLP	8.4295703%	7.5866132%	8.1736491%
CL-162439	Robins Kaplan LLP	0.5709911%	0.5138920%	0.7118164%
CL-162312	Robinson Calcagnie, Inc.	0.7572711%	0.6815440%	0.7342804%
CL-164038	Robles, Rael & Anaya P.C.	0.0000000%	0.0000000%	0.0000000%
CL-165031	Romano Law Group	0.0000000%	0.0000000%	0.0000000%
CL-163954	Sam Bernstein Law Firm PLLC	0.0175846%	0.0158262%	0.0170508%
CL-163549	Sanford Heisler Sharp, LLP	0.0083353%	0.0075018%	0.0080822%
CL-162498	Scott & Scott Attorneys at Law, LLP	0.0878848%	0.0790963%	0.0852166%
CL-163973	Seeger Weiss LLP	3.4066059%	3.0659453%	3.3031816%
CL-163961	Seif & McNamee, LLC	0.0012196%	0.0010977%	0.0011826%
CL-162430	Simmons Hanly Conroy, LLC	11.8227800%	10.6405020%	11.4638413%
CL-162434	Skikos, Crawford, Skikos & Joseph	4.0252599%	3.6227339%	3.9030533%
CL-166363	Smith & Fawer, LLC	0.0000000%	0.0000000%	0.0000000%
CL-162310	Sonosky, Chambers, Sachse, Miller, & Monkman, LLP	0.7585733%	0.6827160%	0.7355431%
CL-162473	Spangenberg Shibley & Liber	1.3829504%	1.2446553%	1.8993097%
CL-163557	Stranch, Jennings & Garvey, PLLC	0.2954078%	0.2658670%	0.6474710%
CL-166292	Taft Stettinius & Hollister LLP	0.0585337%	0.0526803%	0.0567566%
CL-162682	Tate Law Group, LLC.	0.0060096%	0.0054087%	0.0058272%
CL-172149	Texas PSC 1	0.8470293%	0.7623264%	0.8470293%
CL-163959	von Briesen & Roper, s.c.	0.0064650%	0.0058185%	0.0062687%
CL-164026	Wagstaff & Cartmell, LLP	0.7019139%	0.6317225%	0.6806039%
CL-162433	Weisman Kennedy & Berris Co., LPA	1.2252813%	1.1027532%	1.1880818%
CL-162313	Weitz & Luxenberg, P.C.	0.9149047%	0.8234142%	0.8871283%
CL-162576	Wexler, Boley & Elgersma LLP	0.3345951%	0.3011356%	0.3244369%
CL-166287	Woelfel & Woelfel, LLP	0.0769857%	0.0692871%	0.0746484%
CL-164027	Zarza Law, LLC	0.0825115%	0.0742604%	0.0800065%
CL-162477	Zashin & Rich	0.0462296%	0.0416067%	0.0448261%

¹ The National Consortium is comprised of the following firms: Baron & Budd; Farrell & Fuller LLC; Hill, Peterson, Carper, Bee & Deitzler, PLLC; Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr and Mougey, P.A; and Powell & Majestro, PLLC. These firms agreed to receive a single award, to be split amongst them according to their own agreement.