

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL
PRESCRIPTION
OPIATE LITIGATION**

**THIS DOCUMENT RELATES
TO:
“All Cases”**

CASE NO. 1:17-MD-2804

David R. Cohen

Randi S. Ellis

Hon. David R. Herndon

FEE PANEL ORDER NO. 37

REGARDING THE

ESTABLISHMENT OF A PRUDENT

RESERVES/ADMINISTRATIVE

EXPENSE ACCOUNT AND

COMMON BENEFIT

DISTRIBUTIONS

I. Adjustments to Settling Defendants’ Common Benefit Fee Fund Payments.

In *Fee Panel Orders 36 A-G*, the Fee Panel determined the required reductions to the amounts that several Settling Defendants¹ are obligated to pay into the various Common Benefit Fee Funds, and the payment years those reductions take place.

¹ This Order relates to the global settlements and Tribal settlements for: the Distributors (Cardinal, Cencora (fka AmerisourceBergen, and McKesson), Janssen, Teva, Allergan, CVS, Walgreens, and Walmart.

II. Establishment of a Prudent Reserves/Administrative Expense Account.

Due to the complexity involved in administering a multi-billion dollar Fund with about 100 Applicants, the Fee Panel hereby deems it necessary and appropriate to withhold 1.5% of the total contributions to be made by the Settling Defendants into the Common Benefit Fee Fund. The full 1.5% contribution will be effectuated in 2024 to establish the Prudent Reserves/Administrative Expense Account.² The Fee Panel will draw on the Prudent Reserves/Administrative Expense Account as expenses are incurred. Any unused funds from the Administrative Expense Account remaining after the 2029 distributions will be awarded pro rata to Fund Participants before the closure of the Fund. The total of the Prudent Reserves/Administrative Expense Account is \$31,375,404.78.

III. Interest Earned on Common Benefit Fee Fund Deposits.

Any interest earned on Common Benefit Fee Fund deposits will be awarded pro rata to Fund participants in 2029, before the closure of the Fund.

IV. Projected Common Benefit Payment Schedule.

Taking into account all of the calculations mentioned above, as of the date of this *Fee Panel Order*, the Fee Panel projects the amounts show in the chart below are or will be available to pay Common Benefit Fee Fund Participants. Payments will be issued in September of each year.

² The Fee Panel reserves the right to adjust (upwards or downwards) the percentage allocated to the Prudent Reserves/Administrative Expense Account if it determines, in its discretion, that such adjustments are prudent and in the best interests of the Fund.

Payment Year	Amount
Final 2024	\$955,777,139.89
Projected 2025	\$323,992,693.11
Projected 2026	\$332,195,030.31
Projected 2027	\$292,034,965.30
Projected 2028	\$107,169,289.60
Projected 2029	\$49,149,129.30 ³
TOTAL	\$2,060,318,247.51

IT IS SO ORDERED.

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

Dated: August 28, 2024

³ Plus unused Prudent Reserves/Administrative Expense Account funds and any interest earned.