

**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. 42
REGARDING COMMON BENEFIT
AND CONTINGENT FEE FUND
DISTRIBUTIONS FROM THE
ADMINISTRATIVE
EXPENSE ACCOUNT**

This Order explains an upcoming, previously unannounced distribution of \$51.2 Million in attorney fees.

As set forth in several Fee Panel Orders, the Fee Panel followed advice of counsel and established an “Administrative Expense Account” in connection with each of the global Settlement agreements, to hold 1.5% of the Contingency Fee Fund. *See, e.g.*, FPO-11 at 3-4 (docket no. 4749) (“The Fee Panel hereby deems it necessary and appropriate to withhold 1.5% of the total contributions made by Janssen into the Contingency Fee Fund for administrative expenses incurred by the Fee Panel and its agents and representatives.”). The Fee Panel stated that “[a]ny unused funds from the Administrative Expense Account remaining at the end of the seven-year distribution period will be awarded pro rata to Fund participants in [the final payment year of the Fund], prior to the closure of the Fund.” *Id.* Further, “[t]he Fee Panel reserve[d] the right to adjust (upwards or downwards) the percentage allocated to the Administrative Expense Account, if it determines, in its discretion, that such adjustments are prudent and in the best interests of the

Fund.” *Id.* at 3 n.3. The Fee Panel also followed this tack with the Common Benefit Fee Fund. *See* FPO-37 (docket no. 5610) (setting forth similar provisions in connection with the Common Benefit Fee Fund).

Currently, the Administrative Expense Account holds \$51.2 Million, including \$31.4 Million of Common Benefit Fee Fund payments and \$19.8 Million of Contingent Fee Fund payments. Due to efficient management and successful investment by the Fee Panel, interest income has so far exceeded administration expenses that reserving money in the Administrative Expense Fund is no longer necessary: existing net income should be sufficient to pay for all administrative expenses associated with the global Settlement Agreements going forward. Accordingly, the Fee Panel has determined in its discretion that: (1) the percentage allocated to the Administrative Expense Account should be changed from 1.5% to 0.0%; and (2) the \$51.2 Million in that account should be awarded pro rata to Fund participants as soon as reasonably possible, instead of just prior to the closure of each Fund.

The Fee Panel expects to issue these pro rata Awards in the first quarter of 2025 for withheld Common Benefit Funds and the second quarter of 2025 for withheld Contingency Fee Funds. Counsel will be notified of these distributions from the Administrative Expense Account via the Rubris Crosslink System.

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

Dated: January 27, 2025