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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

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10 IN RE: PHENYLPROPANOLAMINE (PPA)  
11 PRODUCTS LIABILITY LITIGATION

No. 2:01-md-01407-BJR

ORDER REGARDING CLAIMS FOR  
COMMON BENEFIT FEES OR  
EXPENSES

12 This document relates to all cases.  
13

14 This matter comes before the court *sua sponte*. In 2002, the court created the Plaintiffs'  
15 Litigation Expense Fund. *See* Case Management Order (“CMO”) 8. This fund was established to  
16 provide compensation and reimbursement to attorneys for authorized services performed and  
17 expenses incurred for the common benefit of plaintiffs in MDL 1407. Also in 2002, the court  
18 provided attorneys with specific guidelines for time and expense reporting of common benefit  
19 fees and expenses. *See* CMO 7.

20  
21 In 2004, the court signed CMO 20, which provided for the appointment of certain  
22 members of the Plaintiffs’ Steering and Discovery Committees to the Common Benefit Fee  
23 Committee (“CBFC”). The CBFC is responsible for amassing all billings for Common Benefit  
24 Work and Costs, as that term is defined in CMO 20, and for conducting audits of the submissions  
25 of law firms seeking compensation from the Plaintiffs’ Litigation Fund. The CBFC is charged

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ORDER

1 with reducing the amounts claimed where necessary, based on standards elucidated by the court.  
2 Pursuant to CMO 20, after the CBFC completes an audit of a firm's submittal, it provides the  
3 results of its audit to the submitting firm, which is given a period of time to appeal to the CBFC  
4 to reconsider its findings. CMO 20 also provides that the CBFC shall be responsible for making  
5 certain key determinations, such as the hourly rate that should be applied to fee submissions.

6 Pursuant to CMO 20, after completing the audit process with the CBFC, each firm  
7 seeking compensation or reimbursement for common benefit work or costs must submit an  
8 application for the same to the court. CMO 20 also provides that the CBFC "shall submit its  
9 recommendations regarding both the nature and extent of common benefit fees and costs to be  
10 awarded in this MDL and its recommendations regarding each fee application filed and the  
11 reasons for that determination."  
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13 The court hereby orders that the all aspects of the procedure outlined in CMO 20 be  
14 completed no later than June 1, 2009. The court expects that all of the CBFC's  
15 recommendations, and all fee applications, will be filed with the court by that date.  
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17 DATED at Seattle, Washington this 23<sup>rd</sup> day of February, 2009.

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19 Barbara Jacobs Rothstein  
20 U.S. District Court Judge