

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS,	§	
INC., PINNACLE HIP IMPLANT	§	MDL Docket No.
PRODUCTS LIABILITY	§	
LITIGATION	§	3:11-MD-2244-K
	§	
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This Document Relates to All Cases	§	
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SPECIAL MASTER’S REPORT AND RECOMMENDATION ON THE ALLOCATION OF COMMON BENEFIT FEES AND EXPENSES

On September 11, 2019, this Court appointed me as the Common Benefit Allocation Special Master to provide a Report and Recommendation for the allocation of common benefit fees and expenses. Doc. 1052.

Executive Summary

The common-benefit trust fund account for this MDL being maintained pursuant to the Court’s supervision has a current balance of approximately \$216 million. Based on my *in camera* review of information provided by the parties, I have concluded that the account should accrue approximately an additional \$29 million within the next year for a total of approximately \$245 million. Because the fund is approaching ninety percent of its anticipated value and the MDL is

moving towards an anticipated wind-up, I now provide this Report and Recommendation on the allocation of common benefit fees and expenses.

Based on the analysis and reasoning below, I recommend the Court authorize distribution of \$215,143,374.07 at this time. This amount includes \$24,760,000.00 in common benefit assessments, \$7,883,374.07 in held expense reimbursements (subject to my examination of documentation for the claimed amounts), and \$182,500,000.00 in common-benefit fees based on the assigned percentage. I further recommend the Court maintain \$500,000.00 in the trust fund until this MDL is concluded to cover wind-up expenses and authorize distribution on a monthly basis of any funds exceeding \$500,000.00 to common-benefit fee claimants based on the assigned percentage. Once the MDL is concluded and all expenses have been paid, I recommend the Court distribute all remaining trust funds to common-benefit fee claimants based on the assigned percentage.

Analysis

Consistent with the Court's instruction, I independently evaluated all compliant fee and expense submissions, the sole objection to the Fee Committee's recommendation, and the Fee Committee's detailed record of fee and expense

submissions.¹ For more than seven years I have served as special master of this multidistrict litigation. Pursuant to my appointment orders I have coordinated with counsel, held hearings, observed depositions, and participated in all bellwether trials. The experience has provided me perspective to review the work performed by each firm to determine its quality and the value generated for the litigation and ultimate settlement.

Assessments and Held Reimbursement Requests

The Court-appointed Fee Committee identified the firms who paid \$24,760,000.00 in common benefit assessments and incurred collectively \$7,883,374.07 in held expenses seeking reimbursement of expenses incurred for the common benefit. Together, nearly 2,700 discrete expense requests were submitted. No objections were made to the Fee Committee's expense recommendations.

After analyzing accounting records maintained by the Fee Committee, I independently determined reimbursable expenses paid from common benefit assessments of \$24,760,000.00 were adjusted when necessary to comply with

¹ CMO 7 dictates the guidelines for reimbursement of common benefit fees and expenses. Only "Participating Counsel"—members of the Plaintiffs Steering Committee and counsel authorized by the Executive Committee or Lead Counsel—are eligible to recover common benefit fees and costs. *See* Doc. 153. Only time expended and costs incurred "(a) for the common benefit, (b) appropriately authorized, (c) timely submitted, and (d) approved by" the Court are eligible for compensation and reimbursement. Even then, only reasonable expenses and authorized work as explicitly defined by the Court will be reimbursed and compensated. *Id.*

limitations on travel and non-travel expenses in the Court's orders, were incurred in the ordinary course of litigation, for the common benefit of all plaintiffs, and are reasonable.

Although no objections were made to the \$7,883,374.07 collectively sought by firms as held expenses seeking reimbursement incurred for the common benefit, I have not independently determined these claimed amounts were adjusted when necessary to comply with the limitations on travel and non-travel expenses in the Court's orders, were incurred in the ordinary course of litigation, were for the common benefit of all plaintiffs, and are reasonable. For this reason, my recommendation is the Court authorize distribution of these claimed amounts subject to my examination of documentation for the claimed amounts to be provided to me within seven days of the Court's order if this recommendation is approved.

Attorneys' Fees

In total, Participating Counsel submitted more than 257,000 hours of work for fee consideration. All firms' time entries were provided to me for review and sampling, and I have accepted the hours submitted as substantially correct. The Fee Committee's recommendation adjusted the total claimed fees by a lodestar calculation.

In addition to reviewing the Fee Committee’s records and recommendation, I conducted my own analysis according to the *Johnson* factors.² I compared the work of firms against one another. Attorneys who passively participated in meetings or attended hearings to observe did not receive the same lodestar adjustment as those who contributed to more critical aspects of the case like taking depositions, working with experts, or trying cases. I also considered acts harmful to the advancement of the litigation or the failure to pay assessments for the common benefit trust fund.

This MDL was challenging and the skill required was high. In addition to the questions presented by the cases themselves, the most-involved counsel had the difficult job of coordinating the entire MDL and managing thousands of cases across the country. This caused some Plaintiffs’ attorneys to turn down other cases as they prosecuted this case. But some Plaintiffs’ lawyers only participated sporadically in

² The Fifth Circuit adopted a twelve-factor lodestar test in *Johnson v. Georgia Highway Exp., Inc.* to determine the reasonableness of Plaintiffs’ attorneys’ fees. 488 F.2d 714 (5th Cir. 1974). Those factors are:

- 1) the time and labor required; 2) the novelty and difficulty of the questions; 3) the skill requisite to perform the legal services properly; 4) the preclusion of other employment by the claimant’s attorney due to acceptance of the case; 5) the customary fee; 6) whether the fee is fixed or contingent; 7) time limitations imposed by the claimant or the circumstances; 8) the amount of recovery involved and the results obtained; 9) counsel’s experience, reputation, and ability; 10) the “undesirability” of the case; 11) the nature and length of the professional relationship with the claimant; and 12) awards in similar cases.

Id. at 717–19. Calculating hours reasonably expended at a reasonable hourly rate usually takes care of many of the twelve factors. *Hensley v. Eckerhart*, 461 U.S. 424, 434 n.9 (1983).

the MDL, with some failing to submit any time since as far back as 2012. This is not surprising because of how undesirable some attorneys found this case compared to other cases, especially after the Plaintiffs' loss in the first bellwether trial and the numerous appeals and mandamus proceedings initiated by Defendants following the second bellwether trial. The lodestar was adjusted upward or downward to reflect these realities. Because of the high degree of difficulty in this case, I did not discount work that was unsuccessful like the first bellwether trial, but did discount work that provided little common benefit to the MDL.

The customary fee is typically hours billed times hourly rate, and is either contingent or fixed. MDLs with common benefit funds more closely resemble contingent rates because of the risk that the fund would never materialize. I find that a majority of the fees requested are customary and reasonable, and those that are not are appropriately discounted.

The Plaintiffs recovered a substantial amount of money through the settlements and won three of the four completed bellwether trials. The awards in this case are similar to those in other cases based on the number of years and the

nature of the damages.³ The amount of “heavy lifting” by certain Plaintiffs’ counsel is reflected in upward lodestar multipliers. Conversely, where counsel failed to participate for years, paid no assessments, or failed to comply with reporting requirements for hours expenses, the lodestar was adjusted downward. The Fee Committee’s lodestar adjustments ranged from an upward multiplier of 2.00 to a downward multiplier of 0.20. All but one of the common benefit fee applicants submitted no objection to the Fee Committee’s recommendation.⁴ Based upon my eight years of firsthand participation in this MDL, extensive discussions with counsel, and careful review of the record and the *Johnson* factors, I recommend the Court allocate fees and expenses to the following firms in the manner indicated below:

³ See Special Master’s Report and Recommendation Regarding the Allocation and Distribution of Common Benefit Fees and Expenses, *In re Yasmin & Yaz (Drospirenone) Mktg., Sales Practices and Prod. Liab. Litig.*, No. 3:09-md-02100 (S.D. Ill. 2015), ECF No. 3843; Special Master’s Report and Recommendation Regarding the Allocation and Distribution of Common Benefit Fees and Expenses, *In re NuvaRing Prods. Liab. Litig.*, No. 4:08-md-01964 (E.D. Mo. 2014), ECF No. 1761.

⁴ All common benefit fee applicants had the opportunity, per the Court’s Order of September 11, 2019, (Doc. 1052), to object to the Fee Committee’s allocation recommendation. Only one firm, Roger Knight, Jr., Inc., lodged such an objection with the Special Master asking that its suggested fee allocation be increased but did not object to any other firm’s fee or expense allocations. All other firms and individual attorneys have thus accepted the Fee Committee’s allocation recommendation pending my review.

Anapol Weiss (f/k/a Anapol, Schwartz, Weiss, Cohon, Feldman, & Smalley, PC)

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0122275 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$2,579,058.50 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$1,000,000.00 for paid assessments, and reimbursement of \$91,325.13 for costs.

Aylstock, Witkin, Kreis & Overholtz PLLC

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0011255 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$237,390.90 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$1,000,000.00 for paid assessments, and reimbursement of \$6,291.13 for costs.

Beasley Allen Law Firm

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0029081 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$613,392.00 if the common-benefit trust fund reaches its

anticipated value of \$245 million, reimbursement of \$1,250,000.00 for paid assessments, and reimbursement of \$28,533.07 for costs.

Bernstein Liebhard, LLP

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0002022 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$42,655.00 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$350,000.00 for paid assessments.

Bradshaw, Fowler, Proctor & Fairgrave, PC

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0000532 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$11,219.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement \$275,000.00 for paid assessments, and reimbursement of \$2,472.27 for costs.

Professor Brian J. Serr

Upon review of the materials submitted, familiarity with the work performed, and application of the factors stated above, I recommend the assigned percentage of

0.0000332 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$7,000.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Capstone Law APC

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0001531 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$32,300.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, and reimbursement of \$1,159.37 for costs.

Climaco, Wilcox, Peca, Tarantino & Garofoli Co., LPA

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0015592 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$328,871.60 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$100,000.00 for paid assessments, and reimbursement of \$17,794.86 for costs.

Don M. Richard, Michele Gaudin, and Peggy Wallace

Upon review of the materials submitted, familiarity with the work performed, and application of the factors stated above, I recommend the assigned percentage of

0.0003556 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding (1) \$25,000.00 to Don M. Richard, (2) \$25,000.00 to Michele Gaudin, and (3) \$25,000.00 to Peggy Wallace if the common-benefit trust fund reaches its anticipated value of \$245 million, and reimbursement of (1) \$27,791.76 for costs to Don M. Richard and (2) \$3,500.00 for costs to Michele Gaudin.

Ernest H. Cannon & Associates

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0159300 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$3,360,000.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Faraci Lange

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0006418 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$135,372.00 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$19,553.89 for costs.

Fisher, Boyd, Johnson & Huguenard, LLP

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0816127 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$17,214,021.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$2,750,000.00 for paid assessments, and reimbursement of \$732,056.55 for costs.

Franklin D. Azar & Associates, P.C.

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend a reimbursement of \$950,000.00 for paid assessments.

Hanly, Conroy, Bierstein, Sheridan, Fisher & Hayes

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0542931 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$11,451,674.39 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$290,583.74 for costs.

Harrison Davis Steakley Morrison Jones, P.C.

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0127252 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$2,684,049.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$1,250,000.00 for paid assessments, and reimbursement of \$66,479.41 for costs.

Heaviside Reed Zaic

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0001299 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$27,395.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$25,000.00 for paid assessments, and reimbursement of \$6,998.20 for costs.

Professor James A. “Jim” Gash

Upon review of the materials submitted, familiarity with the work performed, and application of the factors stated above, I recommend the assigned percentage of 0.0003281 of any distributed common-benefit fees, which should provide for a total

fee allocation exceeding \$69,200.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Kaiser Gornick LLP (f/k/a Levin, Simes, Kaiser & Gornick LLP)

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0054453 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$1,148,531.25 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$1,100,000.00 for paid assessments, and reimbursement of \$59,870.17 for costs.

Hon. Kenneth W. Starr (ret.)

Upon review of the materials submitted, familiarity with the work performed, and application of the factors stated above, I recommend the assigned percentage of 0.0078903 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$1,664,250.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Kershaw, Cook & Talley P.C. (f/k/a Kershaw, Cutter & Ratinoff)

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend a reimbursement of \$600,000.00 for paid assessments.

Law Office of Roger Knight, Jr.

Upon review of the materials submitted, familiarity with the work of the firm, application of the factors stated above, the objection filed by Knight, and firsthand knowledge of this MDL, I recommend the Court overrule the objection to the Fee Committee's recommendation and recommend the assigned percentage of 0.0016616 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$350,460.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Law Offices of Peter Angelos P.C.

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0001576 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$33,240.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A.

I recommend no allocation or reimbursement as the firm submitted no common benefit time, paid no assessments, and submitted no costs.

Lori A. Siler Restaino

I recommend no allocation or reimbursement as the attorney submitted no common benefit time, paid no assessments, and submitted no costs.

Professor Luke Meier

Upon review of the materials submitted, familiarity with the work performed, and application of the factors stated above, I recommend the assigned percentage of 0.0000284 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$6,000.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Motley Rice LLC

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0023695 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$499,780.90 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$750,000.00 for paid assessments, and reimbursement of \$10,196.17 for costs.

Napoli Shkolnik PLLC (f/k/a Napoli, Bern, Ripka, Shkolnik LLP)

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend a reimbursement of \$50,000.00 for paid assessments.

Neblett, Beard & Arsenault

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.2273752 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$47,958,733.39 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$2,750,000.00 for paid assessments, and reimbursement of \$867,653.58 for costs.

Oliver Law Group P.C.

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0000080 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$1,686.00 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$862.70 for costs.

Panish, Shea & Boyle LLP

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend a reimbursement of \$100,000.00 for paid assessments.

Parker Waichman LLP (f/k/a Parker Waichman Alonso)

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0002457 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$51,815.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$200,000 for paid assessments, and reimbursement of \$563.54 for costs.

Restaino Law Firm

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0006554 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$138,229.00 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$3,049.13 for costs.

Robins Kaplan LLP (a/k/a Robins, Kaplan, Miller & Ceresi LLP)

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0004363 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$92,026.60 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$200,000.00 for paid assessments, and reimbursement of \$1,948.67 for costs.

Romano Law Group

I recommend no allocation or reimbursement as the firm submitted no common benefit time, paid no assessments, and submitted no costs.

Professor Rory Ryan

Upon review of the materials submitted, familiarity with the work performed, and application of the factors stated above, I recommend the assigned percentage of 0.0000877 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$18,500.00 if the common-benefit trust fund reaches its anticipated value of \$245 million.

Searcy Denney Scarola Barnhart & Shipley PA

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of

0.0010924 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$230,418.00 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$700,000.00 for paid assessments.

Seeger Salvas & Devine LLP

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0328177 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$6,922,030.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$10,000.00 for paid assessments, and reimbursement of \$279,688.68 for costs.

Seeger Weiss LLP

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend a reimbursement of \$100,000.00 for paid assessments.

Simmons Hanly Conroy/The Simmons Law Firm (Simmons Browder Gianaris Angelides & Barnerd)

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.1522698 of any distributed common-benefit fees, which should provide for a total

fee allocation exceeding \$32,117,266.99 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$2,950,000.00 for paid assessments, and reimbursement of \$774,700.89 for costs.

The Brown Law Firm

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0001007 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$21,250.00 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$793.03 for costs.

The Cochran Firm

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0023733 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$500,587.50 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$350,000.00 for paid assessments, and reimbursement of \$7,947.38 for costs.

The Finley Firm, P.C.

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of

0.0091757 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$1,935,370.00 if the common-benefit trust fund reaches its anticipated value of \$245 million and reimbursement of \$298.30 for costs.

The Lanier Law Firm

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.3661057 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$77,220,255.83 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$2,950,000.00 for paid assessments, and reimbursement of \$4,495,776.17 for costs.

The Sanders Law Firm

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0005071 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$106,958.80 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$700,000.00 for paid assessments, and reimbursement of \$4,659.70 for costs.

Wagstaff & Cartmell, LLP

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0019212 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$405,221.18 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$850,000.00 for paid assessments, and reimbursement of \$20,165.56 for costs.

Walkup, Melodia, Kelly & Schoenberger

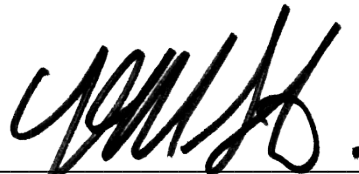
Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0015256 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$321,775.00 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$400,000.00 for paid assessments, and reimbursement of \$38,609.94 for costs.

Weitz & Luxenberg

Upon review of the materials submitted, familiarity with the work of the firm, and application of the factors stated above, I recommend the assigned percentage of 0.0014715 of any distributed common-benefit fees, which should provide for a total fee allocation exceeding \$310,382.50 if the common-benefit trust fund reaches its anticipated value of \$245 million, reimbursement of \$1,050,000.00 for paid assessments, and reimbursement of \$22,051.08 for costs.

Dated: February 28, 2020.

Respectfully submitted,



James M. Stanton
Court-Appointed Special Master