

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE: COOK MEDICAL, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION

MDL No. 2440

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 74  
(ORDER REGARDING INTERIM REIMBURSEMENT OF COSTS)**

Pursuant to Section C of Pretrial Order No. 71 (Order Establishing Criteria for Applications to MDL Fund To Compensate and Reimburse Attorneys for Services Performed and Expenses Incurred for MDL Administration and Common Benefit and Appointment of Common Benefit Fee and Cost Committee) (the “FCC Order”), the court **ORDERS** that the Common Benefit Fee and Cost Committee (“FCC”) is authorized to make recommendations, subject to the court’s approval, of disbursement of common benefit funds to reimburse certain common benefit costs prospectively, specifically as outlined below. This Order does not address the reimbursement of common benefit fees. This Order is prospective only, and does not address any costs or expenses that have been incurred prior to the date of entry of the FCC Order.

The specific items of costs that may be recommended for the court’s approval for disbursement are as follows: (1) accounting expenses of the Certified Public Accounting firm of Smith, Cochran, Hicks, PLLC related to common benefit time and expense accounting; (2) MDL document management expenses of Crivella West; and, (3) true common benefit expert expenses incurred since the entry of the FCC Order.

Before any common benefit expert expenses may be submitted to the FCC for recommendation to the court for reimbursement, such expenses must first be submitted to the Co-Lead Counsel for the MDL in which or in connection with which such expenses were incurred. The submission must be by affidavit of the submitting counsel setting forth the purpose and scope of the work and why it is deemed “common benefit” work. Co-Lead Counsel shall insure that these expert expenses are true common benefit expert expenses. Only true common benefit expert expenses are reimbursable, and it is the duty of the Co-Leads of the appropriate MDL and the FCC to review the expenses to determine whether such expenses were for the common benefit, as opposed to solely or primarily for individual case-specific expenses.

Upon review and submission by the applicable MDL Co-Lead Counsel and the FCC, the FCC through the Chairman shall make its recommendation for reimbursement to the court.

The court **DIRECTS** the Clerk to file a copy of this order in 2:13-md-02440 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:16-cv-03043. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court’s website at [www.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

ENTER: April 4, 2016

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE