

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

**CHARLESTON DIVISION**

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

MDL NO. 2440

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THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 88  
ORDER REAPPOINTING COMMON BENEFIT FEE AND COST COMMITTEE**

This court previously entered its January 15, 2016, Pretrial Order Establishing Criteria for Applications to the 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 in MDL Nos. 2187, 2325, 2326, 2327, 2387, 2440, and 2511 (the “FCC Order”).<sup>1</sup> The FCC Order appointed nine individuals to act as the Common Benefit Fee and Cost Committee (the “FCC”). After entry of the FCC Order, this court entered its Pretrial Order establishing the Fee Committee Protocol for the review and evaluation of time and expense for consideration by the FCC (the “Protocol”).<sup>2</sup> Pursuant to the terms of the Protocol, on October 13, 2017, the court entered its Order Granting Motion to Appoint the Honorable Daniel J. Stack, Retired, as External Review Specialist to work with the FCC in accomplishing the court’s directives under the FCC Order and the Protocol.<sup>3</sup> The Protocol ordered the FCC to review time

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<sup>1</sup> The court entered this Order in each of the individual MDLs: Bard MDL 2187 PTO 207 [ECF No. 1744], AMS MDL 2325 PTO 204 [ECF No. 204], BSC MDL 2326 PTO 136 [ECF No. 1289], Ethicon MDL 2327 PTO 211 [ECF No. 1845], Coloplast MDL 2387 PTO 85 [ECF No. 441], Cook MDL 2440 PTO 71 [ECF No. 414], and Neomedic MDL 2511 PTO 23 [ECF No. 85].

<sup>2</sup> Bard MDL 2187 PTO 257 [ECF No. 4020], AMS MDL 2325 PTO 244 [ECF No. 4346], BSC MDL 2326 PTO 166 [ECF No. 3968], Ethicon MDL 2327 PTO 262 [ECF No. 4044], Cook MDL 2440 PTO 81 [ECF No. 503], Coloplast MDL 2387 PTO 133 [ECF No. 1437], Neomedic MDL 2511 PTO 38 [ECF No. 172].

<sup>3</sup> Bard MDL 2187 [ECF No. 4663], AMS MDL 2325 [ECF No. 5112], BSC MDL 2326 [ECF No. 4422],

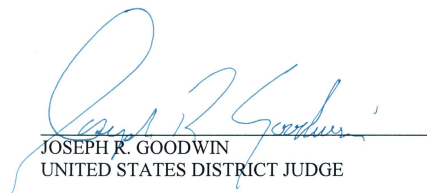
and expense submissions of Participating Counsel arising on or before December 21, 2016. The court reserved ruling with regard to time and expense submissions of Participating Counsel arising after December 21, 2016.

The court hereby **ORDERS** as follows:

1. The FCC as appointed by the FCC Order is hereby reappointed for the purpose of the evaluation and recommendation with regard to time and expense submissions by Participating Counsel arising after December 21, 2016;
2. The FCC is hereby directed to evaluate and make recommendation of time and expense submissions by Participating Counsel in accordance with the process outlined previously in the Protocol for those time and expense submissions arising after December 21, 2016;  
and
3. The Honorable Daniel J. Stack, Retired, is reappointed as the External Review Specialist in accordance with the process outlined previously in the Protocol for those time and expense submissions arising after December 21, 2016.

The court **DIRECTS** the Clerk to file a copy of this Order in 2:13-md-2440. 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 CM/ECF system or the court's website at [www.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

ENTER: March 13, 2019

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

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Ethicon MDL 2327 [ECF No. 4783], Cook MDL 2440 [ECF No. 592], Coloplast MDL 2387 [ECF No. 1572], Neomedic MDL 2511 [ECF No. 177].