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17 UNITED STATES DISTRICT COURT

18 EASTERN DISTRICT OF CALIFORNIA / FRESNO DIVISION

19  
 20 ABARCA, RAUL VALENCIA, et )  
 al., )  
 21 Plaintiffs, )  
 22 v. )  
 23 MERCK & CO., INC., et al., )  
 24 Defendants. )

Case No. 1:07-CV-388-DOC-SAB

**ORDER APPOINTING THE  
 HONORABLE JOHN K. TROTTER  
 (RET.) AND THE HONORABLE  
 EDWARD A. PANELLI (RET.) TO ACT  
 AS FED. R. CIV. P. 53 SPECIAL  
 MASTERS AS IT RELATES TO  
 SETTLEMENT BETWEEN THE  
 PLAINTIFFS AND DEFENDANTS,  
 MERCK & COMPANY, INC., AMSTED  
 INDUSTRIES, INC., AND BALTIMORE  
 AIRCOIL COMPANY, INC.**

1 **ORDER**

2  
3 IT IS HEREBY ORDERED:

4 The Honorable John K. Trotter (Ret.) and the Honorable Edward A. Panelli  
5 (Ret.) are hereby appointed to act as Special Masters in the above action and in  
6 *Hernandez v. Merck*, State of California, County of Merced, Case No. CU 151897, for  
7 purposes of assisting the plaintiffs in implementing the Settlement Agreement.

8 The responsibilities of the Special Masters will include: (i) administering  
9 allocation of settlement funds from the Qualified Settlement Fund and Reserve Fund;  
10 (ii) allocating settlement funds; (iii) collecting and retaining for the benefit of  
11 Defendants all Releases and Lien Satisfactions; and (iv) assuring every plaintiff is paid  
12 his or her allocated share only after delivering to the Special Masters an executed  
13 Release and any required Lien Satisfactions.


14 Justices Trotter and Panelli will serve as trustees of the Qualified Settlement  
15 Fund to be established pursuant to the parties' agreement.

16 The Special Masters may appoint third-party administrators to assist the Special  
17 Masters in administering the Qualified Settlement Fund and supervising the  
18 distribution of the settlement funds.

19 The Special Masters' fees and any third-party administrator's fees will be  
20 considered a cost and will come out of the settlement proceeds.

21  
22 IT IS SO ORDERED.

23  
24 Dated: August 19, 2013

  
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DAVID O. CARTER,  
Judge of the U. S. District Court  
Central District of California