

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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LISA BAIN, et al.,
Plaintiffs,
v.
ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

No. C 09-4147 CW
ORDER ON
STIPULATED MOTION
REGARDING
PLAINTIFFS'
REQUEST FOR
ADMINISTRATIVE
RELIEF AND ORDER
ESTABLISHING
QUALIFIED
SETTLEMENT FUND
AND APPOINTING
FUND
ADMINISTRATOR

LISA SAUNDERS, et al.,
Plaintiffs,
v.
ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

No. C 09-4148 CW

KIMBERLY KESSLER, et al.,
Plaintiffs,
v.
ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

No. C 09-4149 CW

United States District Court
For the Northern District of California

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CYNTHIA ARNOLD, et al.,
Plaintiffs,

No. C 09-4157 CW

v.

ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

ANGEL COLON, et al.,
Plaintiffs,

No. C 09-4158 CW

v.

ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

MARK COFFEY, et al.,
Plaintiffs,

No. C 09-4161 CW

v.

ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

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SHARON DISTON, et al.,
Plaintiffs,

No. C 09-4165 CW

v.

ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

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DAMON BROWN, et al.,
Plaintiffs,

No. C 10-0288 CW

v.

ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

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DENNIS O'BRIEN, et al.,
Plaintiffs,

No. C 10-0289 CW

v.

ASTRAZENECA LP, ASTRAZENECA
PHARMACEUTICALS LP and MCKESSON
CORPORATION,
Defendants.

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Plaintiffs in these related cases and Defendants AstraZeneca LP, AstraZeneca Pharmaceuticals LP and McKesson Corporation ask the Court to assert jurisdiction over a settlement fund discussed in the parties' Master Settlement Agreement (MSA). In support of this joint request, the parties cite 26 C.F.R. § 1.468B-1(c)(1).

1 Plaintiffs, but not Defendants, also seek an order establishing the
2 "Miller Qualified Settlement Fund" and appointing the Garretson
3 Firm Resolution Group, Inc. as fund administrator and trustee.

4 Treasury Regulation section 1.468B-1(c)(1) defines a qualified
5 settlement fund to be one that is "established pursuant to an order
6 of, or is approved by, the United States, any state (including the
7 District of Columbia), territory, possession, or political
8 subdivision thereof, or any agency or instrumentality (including a
9 court of law) of any of the foregoing and is subject to the
10 continuing jurisdiction of that governmental authority." The
11 regulation states that a fund is "'ordered by' or 'approved by' a
12 governmental authority . . . when the authority issues its initial
13 or preliminary order to establish, or grants its initial or
14 preliminary approval of, the fund, account, or trust, even if that
15 order or approval may be subject to review or revision." 26 C.F.R.
16 § 1.468B-1(e)(1). The regulation, however, does not appear to
17 provide the authority for the Court to establish a fund, or explain
18 the criteria for doing so.

19 These related cases are not class actions. Thus, there are no
20 absent class members to whom the Court owes a duty to protect and
21 the Court is not required to grant preliminary approval of the
22 parties' settlement. This contrasts with the examples identified
23 in section 1.468B-1, which refer to instances in which a court has
24 approved of settlements with a plaintiff class.

25 Accordingly, within three days of the date of this Order, the
26 parties shall file a joint brief, not to exceed three pages, on the
27 authority by which the Court may grant the relief they seek and the

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1 criteria it should apply. Further, the parties shall explain why
2 the Court's intervention in their settlement is necessary.

3 IT IS SO ORDERED.

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5 Dated: 2/15/2011


6 CLAUDIA WILKEN
7 United States District Judge

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