

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

IN RE: Seroquel Products Liability Litigation

MDL DOCKET NO. 1769 (ALL CASES)

**ASTRAZENECA'S MEMORANDUM REGARDING
ALLOCATION OF SPECIAL MASTER BALL'S FEES**

As indicated at the October 30, 2007 Status Conference, AstraZeneca hereby submits its memorandum regarding an appropriate allocation of the fees of Special Master Craig Ball. For the reasons set forth below, AstraZeneca believes that the fees of the Special Master should be split equally between itself and the plaintiffs. The parties have met and conferred and Plaintiffs disagree. AstraZeneca understands plaintiffs' position to be that they should be responsible for payment of none of the Special Master's fees.

It is clear from the Court's orders that the central purpose underlying the employment of Special Master Ball was forward looking – intended to help “the parties” (plural) work through disputes involving a number of complex, technical issues engendered by the plaintiffs' discovery requests and AstraZeneca's efforts to comply. In its Order of September 27, 2007 appointing Special Master Ball (Doc. 511), the Court outlined briefly his “primary duty,” to wit: “to *assist* and, when necessary, *direct* the parties in completing required discovery of electronically stored information with reasonable dispatch and efficiency” (p. 2). The Court noted that while this primary duty would be “forward looking,” it necessarily

would “include some review of the discovery to date to provide reasonable assurance of completeness” (p. 3).

Eight days later, the Court issued its Order setting forth Special Master Ball’s duties with more specificity (Doc. 546). It began by re-emphasizing that the “primary duty of this Special Master ...is to *assist* and, when necessary, *direct* the parties in completing required discovery of electronically stored information with reasonable dispatch and efficiency” (p. 1). Consistent with its prior order, the Court indicated that the Special Master should “determine whether past discovery is reasonably complete and, if not, what steps are needed to make it so ... [including] assist[ing] the parties in reaching cost effective solutions [to technical issues]” (p. 3). The Court also noted that Special Master Ball should “review with the parties on-going discovery requests involving ESI to determine where such information is stored and how it can most effectively be accessed and made available,” which could include “participat[ing] in the parties ‘meet and confer’ sessions ... [and] resolv[ing] issues as to search terms and protocols, formatting and other technical matters” (*Id.*).

Given these directives, it is clear that the employment and work of the Special Master was intended to benefit both sides, not just AstraZeneca. Indeed, as this Court noted in its Order of appointment, “all parties have stated their awareness of and desire to adhere to *The Sedona Principles* ... [and] Mr. Ball will be able to assist the parties in accomplishing that goal ...” (Doc. 511, p. 2).

Indeed, Special Master Ball’s appointment works to the benefit of both plaintiffs and AstraZeneca by assisting in making information requested by plaintiffs available to them in a faster, more useable form, with fewer issues than occurred in the past. Moreover, Mr. Ball

serves an additional, important function in mediating disputes between both parties relating to such matters as whether plaintiffs truly need all the information they seek, or would otherwise seek. Given these benefits, an equal allocation between plaintiffs and AstraZeneca of the fees associated with Mr. Ball's appointment is fair and appropriate.

Accordingly, AstraZeneca submits that the Court's order allocating Special Master Ball's fees should call for an even split between Plaintiffs and AstraZeneca.

Respectfully submitted,

/s/ Stephen J. McConnell
Stephen J. McConnell
DECHERT LLP
2929 Arch Street
Philadelphia, PA 19103
Telephone: (215) 994-4000
Facsimile: (215) 994-2222
stephen.mcconnell@dechert.com

*Counsel for AstraZeneca Pharmaceuticals LP
and AstraZeneca LP*

CERTIFICATE OF SERVICE

I hereby certify that, on November 14, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system through which all participating parties are deemed served. I further certify that, by using the CM/ECF, the foregoing has been served on plaintiffs' liaison counsel, who is charged with serving any non-CM/ECF participants on the attached Service List.

/s/ Shane T. Prince

SERVICE LIST

**In Re: Seroquel Products Liability Litigation
MDL Docket No. 1769**

<p>Paul J. Pennock, Esq. Michael E. Pederson, Esq. Weitz & Luxenberg, P.C. 180 Maiden Lane - 17th Floor New York, NY 10038 Telephone: (212) 558-5500 Ppennock@weitzlux.com MPederson@weitzlux.com <i>Plaintiffs' Lead Counsel</i></p>	<p>Camp Bailey, Esq. Michael W. Perrin, Esq. Fletcher Trammell, Esq. Bailey Perrin Bailey LLP The Lyric Centre 440 Louisiana, Suite 2100 Houston, TX 77002 Telephone: (713) 425-7240 cbailey@bpblaw.com mperrin@bpblaw.com <i>Plaintiffs' Lead Counsel</i></p>
<p>Larry Roth, Esq. Law Offices of Larry M. Roth, P.A. Post Office Box 547637 Orlando, FL 32854-7637 Telephone: (407) 872-2239 LROTH@roth-law.com <i>Plaintiffs' Liaison Counsel</i></p>	<p>Tommy Fibich, Esq. Fibich, Hampton & Leebron, L.L.P. 1401 McKinney, Suite 1800 Five Houston Center Houston, TX 77010 Telephone: (713) 751-0025 tfibich@fhl-law.com</p>
<p>Matthew F. Pawa, Esq. Law Offices of Matthew F. Pawa, P.C. 1280 Centre St., Suite 230 Newton Centre, MA 02459 Telephone: (617) 641-9550 Mp@pawalaw.com</p>	<p>Robert L. Salim, Esq. Robert L. Salim Attorney at Law PO Box 2069 Natchitoches, LA 71457-2069 Telephone: (318) 352-5999 robertsalim@cp-tel.net</p>
<p>Keith M. Jensen, Esq. Jensen, Belew & Gonzalez, PLLC 1024 North Main Fort Worth, TX 76106 Telephone: (817) 334-0762 kj@kjensenlaw.com</p>	<p>Scott Allen, Esq. Cruse, Scott, Henderson & Allen, L.L.P. 2777 Allen Parkway, 7th Floor Houston, Texas 77019 Telephone: (713) 650-6600 sallen@crusescott.com</p>
<p>Matthew E. Lundy, Esq. Lundy & Davis, LLP 333 North Sam Houston Parkway East Suite 375 Houston, TX 77060 Telephone: (281) 272-0797 mlundy@lundydavis.com</p>	<p>E. Ashley Cranford Whatley Drake & Callas 2001 Park Place North, Suite 1000 Birmingham, AL 35203 Telephone: (205) 328-9576 ACranford@wdklaw.com</p>

<p>Robert L. Ciotti, Esq. Carlton Fields, P.A. 4221 W. Boy Scout Boulevard Suite 1000 Tampa, FL 33607-5736 Telephone: (813) 223-7000 rciotti@carltonfields.com Attorney for Defendants AstraZeneca Pharmaceuticals, LP, and AstraZeneca LP</p>	<p>Gregory P. Forney, Esq. Shaffer Lombardo Shurin 911 Main Street, Suite 2000 Kansas City, MO 64105 Telephone: (816) 931-0500 gforney@sls-law.com rbish@sls-law.com Attorney for Defendant, Marguerite Devon French</p>
<p>Randy Niemeyer 22442 Pike 309 Bowling Green, MO 63334-5209 Pro Se</p>	<p>Eric B. Milliken, Esq. 3 Sir Barton Ct. Newark, DE 19702 Pro Se</p>
<p>Catherine Solomon 3100 N.E. 83 Gladstone, MO 64119 Pro Se</p>	<p>Louisiana Wholesale Drug Co. Inc. C/O Gayle R. White Registered Agent Highway 167N Sunset, LA 70584 Pro Se</p>
<p>Aaron C. Johnson, Esq. Summers & Johnson 717 Thomas Weston, MO 64098 Telephone: (816) 640-9940 firm@summersandjohnson.com</p>	<p>Robert A. Schwartz, Esq. Bailey & Galyen 18333 Egret Bay Blvd., Suite 120 Houston, TX 77058 Telephone: (281) 335-7744 bschwartz@galyen.com</p>
<p>Todd S. Hageman, Esq. Simon and Passanante, PC 701 Market St., Suite 1450 St. Louis, MO 63101 Telephone: (314) 241-2929 thageman@spstl-law.com</p>	<p>Mark P. Robinson, Jr., Esq. Robinson, Calcagnie & Robinson 620 Newport Center Drive, 7th Floor Newport Beach, CA 92660 Telephone: (949) 720-1288 mrobinson@robinson-pilaw.com</p>
<p>Thomas F. Campion, Esq. Heidi E. Hilgendorff, Esq. Drinker Biddle & Reath, LLP 500 Campus Drive Florham Park, New Jersey 07932-1047 Telephone: (973) 360-1100 Thomas.Campion@dbr.com Heidi.Hilgendorff@dbr.com Attorneys for Defendants Janssen Pharmaceutical Products and Johnson & Johnson Co.</p>	<p>Michael Davis, Esq. James Mizgala, Esq. Sidley Austin LLP One South Dearborn Chicago, IL 60603 Telephone: (312) 853-7731 mdavis@sidley.com jmizgala@sidley.com Attorneys for Defendants AstraZeneca LP and AstraZeneca Pharmaceuticals, LP</p>

<p>Elizabeth Raines, Esq. Baker, Sterchi, Cowden & Rice, LLC 2400 Pershing Road, Suite 500 Kansas City, MO 64108 Telephone: (816) 471-2121 raines@bscr-law.com</p>	<p>Timothy Reese Balducci, Esq. The Langston Law Firm, PA P.O. Box 787 100 South Main Street Booneville, MS 38829-0787 Telephone: (662) 728-3138 tbalducci@langstonlaw.com</p>
<p>Kenneth W. Bean, Esq. Sandberg, Phoenix & von Gontard One City Centre 15th Floor St. Louis, MO 63101-1880 Telephone: (314) 231-3332 kbean@spvg.com <i>Attorney for Defendant Dr. Asif Habib</i></p>	<p>John Driscoll, Esq. Brown & Crouppen, PC 720 Olive St. St. Louis, MO 63101 Telephone: (314) 421-0216 Jdriscoll@brownandcrouppen.com asmith@brownandcrouppen.com blape@brownandcrouppen.com</p>
<p>Aaron K. Dickey, Esq. Goldenberg and Heller, PC P.O. Box 959 2227 S. State Road 157 Edwardsville, IL 62025 Telephone: (618) 650-7107 aaron@ghalaw.com</p>	<p>Matthew J. Hamilton, Esq. Pepper Hamilton 3000 Two Logan Square 18th & Arch Street Philadelphia, PA 19103 Telephone: (215) 981-4000 hamiltonm@pepperlaw.com</p>
<p>Justin Witkin, Esq. Ken Smith, Esq. Aylstock, Witkin, Kreis & Overholtz 803 N. Palafox St. Pensacola, FL 32501 Telephone: (850) 916-7450 Jwitkin@AWS-LAW.com ablankenship@aws-law.com ksmith@aws-law.com noverholtz@aws-law.com</p>	<p>David P. Matthews, Esq. Lizy Santiago, Esq. Matthews & Associates 2905 Sackett Street Houston, TX 77098 Telephone: (713) 222-8080 dmatthews@thematthewslawfirm.com lsantiago@thematthewslawfirm.com msalazar@thematthewslawfirm.com</p>
<p>Howard Nations Lori A. Siler Howard L. Nations Attorney At Law 4515 Yoakum Blvd. Houston, TX 77006-5895 Telephone: (713) 807-8400 nations@howardnations.com</p>	<p>Mary B. Cotton John D. Giddens, P.A. 226 North President Street P.O. Box 22546 Jackson, MS 39225-2546 Telephone: (601) 355-2022 betsy@law-inc.com</p>
<p>Salvatore M. Machi Ted Machi & Associates PC 18333 Egret Bay Blvd., Suite 120 Houston, TX 77058 Telephone: (281) 335-7744</p>	<p>Jona R. Hefner, Esq. 3441 W. Memorial, Suite 4 Oklahoma City, OK 73134-7000 Telephone: (405) 286-3000 attorneyokc@hotmail.com</p>

<p>David Dickens Miller & Associates 105 North Alfred Street Alexandria, VA 22314-3010 (703) 519-8080 ddickens@doctoratlaw.com</p>	<p>Pete Schneider, Esq. Grady, Schneider & Newman, L.L.P. 801 Congress, 4th Floor Houston, TX 77002 (713) 228-2200 pschneider@gsnlaw.com</p>
<p>Fred T. Magaziner Marjorie Shiekman A. Elizabeth Balakhani Shane T. Prince Eben S. Flaster DECHERT LLP Cira Centre 2929 Arch Street Philadelphia, PA 19103 (215) 994-4000 fred.magaziner@dechert.com shane.prince@dechert.com marjorie.shiekman@dechert.com eben.flaster@dechert.com elizabeth.balakhani@dechert.com</p>	<p>Lawrence J. Gornick, Esq. William A. Levin, Esq. Dennis J. Canty, Esq. Levin Simes Kaiser & Gornick LLP 44 Montgomery Street, 36th Floor San Francisco, CA 94104 Telephone: (415) 646-7160 lgornick@lskg-law.com dcanty@lskg-law.com lsimes@levins-law.com jkaiser@lskg-law.com echarley@lskg-law.com ddecarli@lskg-law.com bsund@lskg-law.com astavrakaras@lskg-law.com</p>
<p>Scott Burdine, Esq. Hagans Burdine Montgomery Rustay & Winchester, P.C. 3200 Travis, Fourth Floor Houston, TX 77006 Telephone: (713) 222-2700 sburdine@hagans-law.com</p>	