

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/ FENFLURAMINE/DEXFENFLURAMINE) PRODUCTS LIABILITY LITIGATION	:	MDL NO. 1203
_____	:	
THIS DOCUMENT RELATES TO:	:	
SHEILA BROWN, et al.	:	
v.	:	
AMERICAN HOME PRODUCTS CORP.	:	NO. 99-20593
_____	:	

PRETRIAL ORDER NO. 8869

AND NOW, this 11th day of May, 2012, upon consideration of the Joint Petition for an Award of Attorneys' Fees and Expense Reimbursements Relating to Common Benefit Work Performed from January 1, 2011 through December 31, 2011 and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. As used herein, the "Current Joint Fee Applicants" means: (a) Cummings, Cummings & Dudenhefer; (b) Levin, Fishbein, Sedran & Berman; and (c) Roda Nast, P.C. The "Current Plaintiffs' Liaison Counsel Fee Applicant" means Levin, Fishbein, Sedran & Berman.

2. The court hereby approves the reimbursement of \$89,123.93 in litigation expenses incurred by the Current Joint Fee Applicants, including amounts previously approved by the court or advanced pursuant to order of the court, to be paid, reimbursed and/or allocated as follows:

- a. Prior expense reimbursements in the amount of \$39,306.69 shall be attributed to the MDL 1203 Fee and Cost Account as having been properly and finally allocated to that Account for payment;
- b. Within twenty days from the date of this Order, the AHP Settlement Trust ("Trust") shall transfer the amount of \$39,306.69 to the Escrow Agent for the MDL 1203 Fee and Cost Account to reimburse that account for expense reimbursements previously paid from that Account which should ultimately be paid by the Settlement Fund under Sections III.B.2, III.C.3 and VIII.E.1 of the Settlement Agreement; and
- c. Within twenty days from the date of this Order, the Trust shall pay the following amounts from the Settlement Fund and the Escrow Agent for the MDL 1203 Fee and Cost Account shall pay the following amounts from the MDL 1203 Fee and Cost Account to the following Current Joint Fee Applicants to reimburse them for previously unreimbursed litigation expenses incurred and paid by them:

Joint Fee Applicant	Amount to be Paid by the Trust	Amount to be Paid by the MDL 1203 Fee and Cost Account
Levin, Fishbein, Sedran & Berman	\$2,122.12	\$2,122.12
Roda Nast, P.C.	\$3,133.15	\$3,133.15

3. In addition to the amounts previously awarded in Pretrial Order Nos. 2622, 7763A, 8516, and 8646 the court hereby awards the Current Joint Fee Applicants an attorneys' fee in the aggregate amount of \$1,839,086.25 to be paid from funds on deposit in the Fund A Escrow Account to compensate the Current

Joint Fee Applicants for class-related work performed by them during the period from January 1, 2011 through December 31, 2011.

4. The aggregate award of fees from the Fund A Escrow Account as set forth in the preceding paragraph of this Order shall be allocated among and distributed and paid to the following law firms/attorneys in the following amounts:

Current Joint Fee Applicant	Allocable Percentage	Payment Amount
Cummings, Cummings & Dudenhefer	9.0656%	\$ 166,725.00
Levin, Fishbein, Sedran & Berman	90.739%	\$1,668,768.75
Roda Nast, P.C.	0.1953%	\$ 3,592.50

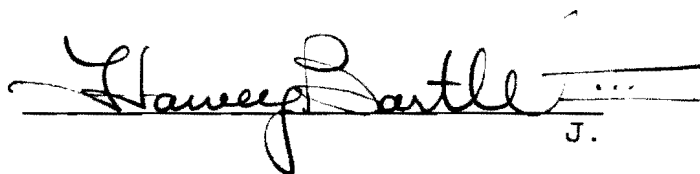
5. No earlier than twenty days after the date of this Order and as soon thereafter as is commercially reasonable, PNC Bank ("PNC"), as Escrow Agent for the Fund A Escrow Account, shall disburse from the Fund A Escrow Account the payments set forth in paragraph 4 of this Order. PNC shall make such payments by check, and shall deliver such checks to the payees by overnight courier in a manner that generates a written acknowledgment of receipt by the payees.

6. In addition to the amounts previously awarded in Pretrial Order Nos. 2622, 7763A, 8516, and 8646 the court hereby awards the Current Plaintiffs' Liaison Counsel Fee Applicant an attorneys' fee in the aggregate amount of \$1,668,768.75 to be paid from funds on deposit in the MDL 1203 Fee and Cost Account to compensate such attorneys for services of benefit to the

plaintiffs in MDL 1203 and the coordinated state court litigation performed by them during the period from January 1, 2011 through December 31, 2011.

7. No earlier than twenty days from the date of this Order and as soon thereafter as is reasonably practicable, Gregory P. Miller, Esquire, as Escrow Agent for the MDL 1203 Fee and Cost Account, shall disburse from said Account the payment set forth in paragraph 6 of this Order. Mr. Miller shall make such payment by check, and shall deliver such check to the payee by overnight courier in a manner that generates a written acknowledgment of receipt by the payee. In order to make this payment, Mr. Miller may transfer funds from the MDL 1203 Fee and Cost Account to a disbursement account at an appropriate financial institution.

BY THE COURT:


J.