

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>IN RE: XARELTO (RIVAROXABAN)</b>	:	
<b>PRODUCTS LIABILITY LITIGATION</b>	:	<b>MDL No. 2592</b>
	:	
	:	<b>SECTION L</b>
<b>THIS DOCUMENT RELATES TO:</b>	:	
	:	
<i>All Cases</i>	:	<b>JUDGE ELDON E. FALLON</b>
	:	<b>MAGISTRATE JUDGE NORTH</b>
	:	

**ORDER**

In its Order and Reasons issued on March 23, 2020 the Court set the Common Benefit Fee in this matter at 12% of the amount of the settlement to be deducted from the contract attorney’s fee with the client and a cost reimbursement of 2.75%. (R. Doc. 17634). Approximately 70 firms have applied for common benefit fees and costs. It is now appropriate to determine how these funds are to be allocated among counsel who performed the common benefit work which produced the result in this matter.

The determinative factor for the allocation of a Common Benefit Fee and Cost award is the nature and extent of the common benefit contributions of the Fee Applicant to the outcome of the litigation. In order to gather information on the extent and nature of these contributions, the Court appointed a CPA early in the litigation to receive monthly reports from counsel doing common benefit work. These reports required counsel to indicate the time spent and type or nature of the common benefit work performed. *See* PTO 8 (R. Doc. 183). The Court met with the CPA monthly, throughout the course of the litigation, and reviewed these reports to ensure accuracy. Furthermore, in order to get a full picture of the scope and significance of the common benefit work performed by a Fee Applicant, it is also helpful to get input from counsel who occupied leadership roles in both the MDL and the associated state court litigation. Towards this end, this Court with the help

and advise of the Honorable Arnold L. New, Court of Common Pleas of Philadelphia County (the State Court in which the associated state cases were filed), appointed a Fee Allocation Committee to meet or confer with the Fee Applicants, receive their records and supporting documents, and make a recommendation as to the appropriate allocation of common benefit fees and costs. The Court has received the Fee Allocation Committee's report and recommendation (R. Doc. 17830) and now posts it on its website for all to review.

Accordingly,

**IT IS ORDERED** that anyone having an **objection** must file their objection on or before **September 25, 2020**.

New Orleans, Louisiana, on this 14th day of September 2020.

  
United States District Judge