

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

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In Re: VIOXX	:	
	:	MDL Docket No. 1657
PRODUCTS LIABILITY LITIGATION	:	
	:	SECTION L
	:	
This document relates to All Actions	:	JUDGE FALLON
	:	MAG. JUDGE KNOWLES

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**PRETRIAL ORDER NO. 6C  
(REPORTING OF COMMON BENEFIT TIME BY NPC AND OTHERS)**

In Pretrial Order No. 6 (PTO No. 6), this Court appointed the Plaintiffs’ Steering Committee (PSC), Plaintiffs’ Liaison Counsel (PLC) and the PSC Executive Committee (PEC). That Order also described the standards and procedures for plaintiffs’ counsel’s time and expense submissions relating to matters common to all claimants. This Order supplements PTO No. 6 by setting forth the time and expense reporting procedure for submissions by the Negotiating Plaintiffs’ Counsel (“NPC”) and by setting forth additional procedures for submissions of plaintiffs’ counsel’s time and expense submissions relating to matter common to all claimants in state court Vioxx litigation matters.

**I. TIME AND EXPENSE REPORTING PROCEDURE FOR SUBMISSIONS BY THE NPC**

1. Those counsel appointed by this Court to act as NPC, *i.e.*, Russ Herman, Andy D. Birchfield, Jr., Christopher A. Seeger, Arnold Levin, Edward F. Blizzard and Thomas V. Girardi, and those counsel acting upon any NPC member’s specific directive, shall prepare time and expense submissions for efforts negotiating, preparing, meeting, working on and drafting the Settlement

Agreement with Merck & Co., Inc. (“Vioxx Special”) from the inception of the settlement negotiations through November 9, 2007. The Court is mindful that it directed the NPC early on that the settlement negotiations were not to be disclosed and were to remain confidential, necessarily requiring that time and expense reports revealing these efforts be withheld until now. The NPC Vioxx Special time and expense submissions shall be provided to PLC, consistent with the reporting obligations required by PTO No. 6, on or before May 15, 2008. A revised reporting form, as attached hereto, shall be utilized for making such time submissions. PLC shall submit these Vioxx Special reports to Philip Garrett, CPA, of the accounting firm of Wegmann-Dazet in accordance with PTO No. 6.

2. Any common benefit efforts relating to Settlement matters that occur after November 9, 2007, shall be reported consistent with the requirements of PTO No. 6, also with the revised reporting form attached hereto.

**II. PROCEDURES FOR SUBMISSION OF PLAINTIFFS’ COUNSEL’S TIME AND EXPENSE SUBMISSIONS RELATING TO MATTERS COMMON TO ALL CLAIMANTS IN STATE COURT VIOXX MATTERS**

1. PLC, PEC and the NPC shall be responsible for distributing the time and expense standards and procedures set forth in the guidelines of PTO No. 6 to all counsel enrolled in the Vioxx Settlement Program and to those counsel associated with state court Vioxx litigation programs engaged in state court common benefit activity. State court common benefit attorneys shall present their contemporaneous time records, or properly reconstructed time records, and expense reports (for their unreimbursed common shared and held expenses) consistent with PTO No. 6 and Article 9 of the Settlement Agreement, and in a manner satisfactory to Philip Garrett, CPA, of the accounting firm of Wegmann-Dazet, to PLC by May 30, 2008. PLC shall submit the time

and expense records to Philip Garrett, CPA, of the accounting firm of Wegmann-Dazet in accordance with PTO No. 6, and the revised reporting form.

4. Nothing in this Order shall preclude any person from submitting, at an appropriate time to be determined by subsequent Pretrial Order, a petition for attorneys fees and reimbursement of expenses for common benefit work performed from any funds obtained for such purpose from the Settlement Program for review by the Allocation Committee appointed by this Court in PTO No. 32 and then resolution by this Court.

New Orleans, this 10<sup>th</sup> day of April, 2008.

A handwritten signature in black ink, reading "Eldon E. Fallon". The signature is written in a cursive style with a horizontal line underneath it.

Honorable Eldon E. Fallon  
United States District Court Judge