

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

**In re: VIOXX
PRODUCTS LIABILITY LITIGATION**

* **MDL NO. 1657**
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* **SECTION L**
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* **JUDGE FALLON**
* **THIS DOCUMENT RELATES TO ALL CASES** *
* **MAG. JUDGE KNOWLES**

ORDER APPOINTING SPECIAL COUNSEL

On April 25, 2007, this Court issued an Order appointing Professor Paul Rice of American University as a Special Master in this proceeding pursuant to Fed. R. Civ. P. 53. That Order sets forth the duties and responsibilities of the Special Master with respect to the review of Merck's assertion of privilege to documents requested during discovery in this case. In that Order, the Court indicated its intention to appoint Special Counsel to assist the Special Master in his endeavors.

By this Order, the Court hereby appoints Brent B. Barriere, Suite 2000, 365 Canal Street, New Orleans, Louisiana 70130-6534, as Special Counsel to manage the Special Master's operating account and to provide logistical support and local facilities for the Special Master, and sets forth the method of accounting and the reimbursement protocol to be used by the Special Master and his Special Counsel in this case.

This appointment is made pursuant to Rule 53 and the inherent authority of the Court. The Special Counsel shall be compensated at the rate of \$300.00 per hour and, if it is necessary to utilize the services of paralegal personnel to assist the Special Master, their compensation shall be fixed at the rate of \$75.00 per hour. Plaintiffs and Merck shall share this cost equally. The Special Counsel shall incur only such fees and expenses as may be reasonably necessary to fulfill his duties under this Order or such other Orders as the Court may issue or as requested by Special Master Rice.

New Orleans, Louisiana, this 1st day of May, 2007.


UNITED STATES DISTRICT JUDGE