

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

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IN RE PRADAXA	)	MDL No. 2385
(DABIGATRAN ETEXILATE)	)	3:12-md-02385-
PRODUCTS LIABILITY	)	DRH-SCW
LITIGATION	)	

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This Document Relates to:  
ALL CASES

**CASE MANAGEMENT ORDER No. 77**  
**DUTIES OF THE CLAIMS ADMINISTRATOR AND THE SPECIAL MASTER**

On May 27, 2014, the parties entered into a Pradaxa Product Liability Litigation Master Settlement Agreement. The Court enters the following orders with respect to the implementation of such agreement:

1. The Court has a serious concern that given the age of the Plaintiffs' population, any delay in implementing this settlement, and effectuating the distribution of funds called for thereby, would seriously impair the parties' right to timely redress for the claims made and settled herein.
2. Accordingly, both the Claims Administrator and the Special Master are ordered to attend this Court's monthly status conferences, and to provide detailed status reports concerning the implementation of this Agreement, until all the funds provided for in this settlement have been fully distributed, and the requisite releases and/or dismissals have been obtained;
3. In Paragraph 6.2(c) of the Master Settlement Agreement, four (4%) percent of the funds delivered pursuant to this agreement are ordered into a Common Benefit Fees Account, established pursuant to CMO 16 entered by this Court on November 13, 2012.
4. In Paragraph 6.2(d) of the Master Settlement Agreement, two percent of the funds delivered pursuant to this agreement are ordered into a Common Benefit Expenses Account, established pursuant to CMO 16 entered by this Court on November 13, 2012.
5. All counsel are hereby notified that no common benefit time shall be submitted as of the day following this order, except for that time necessary for Plaintiffs' Co-Lead Counsel to assist in the implementation of this Agreement.
6. Plaintiffs' Liaison Counsel, Mark Niemeyer, is hereby ordered to submit to the Special Master, and to this Court, on or before June 11, 2014, a detailed summary of all common benefit time timely reported by all counsel, pursuant to this Court's requirements, as set forth in CMO 16, Paragraph III, and a detailed summary of all common benefit expenses timely reported or held by all counsel pursuant to this Court's requirements, as set forth in CMO 16, Paragraph II.

7. At the Court's June 12, 2014 status conference, the Special Master agreed to by the parties, Randi Ellis, is hereby ordered to certify compliance with Paragraph 6 of this Order.
8. The Special Master is hereby appointed by the Court to provide it on or before July 1, 2014, with a Report Recommending the Distribution of Common Benefit Fees and Expenses.
9. Any objections to the Special Master's Report recommending the Distribution of Common Benefit Fees and Expenses shall be filed on or before July 15, 2014.
10. At the Court's August status conference, the Court intends to hear arguments on any objections to the Special Master's Report and Recommendation regarding the Distribution of Common Benefit Fees and Expenses, and the Court intends to issue on or before September 1, 2014, an Order Concerning Distribution of Common Benefit Fees and Expenses.
11. Because of the Court's finding regarding time being of the essence, any appeal of this Court Order Concerning Distribution of Common Benefit Fees and Expenses shall be filed on or before September 15, 2014 and no extensions will be granted.
12. Unless ordered not to do so by the Seventh Circuit or the United States Supreme Court, it is this Court's intention to order the distribution of Common Benefit Fees and Expenses on the same day as the distribution of Phase One and Phase Two payments to the Pradaxa Claimants opting into the Pradaxa Product Liability Litigation Master Settlement Agreement.

SO ORDERED:

 Digitally signed by  
David R. Herndon  
Date: 2014.05.29  
10:35:11 -05'00'

Chief Judge  
United States District Court

Date: May 29, 2014