

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL  
PRESCRIPTION  
OPIATE LITIGATION**

**CASE NO. 1:17-MD-2804**

**THIS DOCUMENT RELATES  
TO:  
"All Cases"**

) **David R. Cohen**  
) **Randi S. Ellis**  
) **Hon. David R. Herndon**  
) **FEE PANEL ORDER NO. 36-A**  
) **REGARDING ADJUSTMENTS**  
) **TO COMMON BENEFIT AMOUNT**  
) **TO BE PAID BY DISTRIBUTORS**

**I. Adjustments to the Distributors' Payment Obligations to the Common Benefit Fee Fund**

Exhibit R §II.H.5 of the *Distributor Settlement Agreement* states as follows:

With respect to the Common Benefit Fund, the Fee Panel shall (subject to any applicable MDL Court Order):

- a. Review the applications of all Attorneys seeking compensation from the Common Benefit Fund, including determining eligibility for each Attorney as set forth in Section II.G.
- b. Reduce, on an annual basis, the Distributor's payment obligations, as set forth in Section II.C.6. The Panel shall inform the Settling Distributors and the MDL PEC of all such amounts and adjust the Settling Distributors' payment obligations accordingly.
- c. Using criteria set forth in Sections II.C and II.G., allocate amounts from the Common Benefit Fund to eligible Attorneys, including payment amounts for each Payment Year. In making such allocations (regardless of the Participation Tier achieved), the Panel shall apply the principles set forth in Section II.C.4 and shall allocate any reduction in the payments of Settling Distributors specified in Section II.C.6 to the amounts paid to

Attorneys with a Fee Entitlement to Litigating Subdivisions that are not Participating Subdivisions.

The Fee Panel completed the requirements of Exhibit R §II.H.5.a&b, and is in the process of completing the requirements of Exhibit R §II.H.5.c. The Fee Panel informed the Distributors and the MDL PEC of the adjustments to the Distributors' payment obligations to the Common Benefit Fund. The Fee Panel allowed the Distributors and the MDL PEC an opportunity to review and, if necessary, dispute the calculations related to the amounts the Distributors are required to pay. Neither the Distributors nor the MDL PEC disputed the adjustments to the Distributors Common Benefit Fund. Therefore, the Fee Panel now declares the amounts listed below are no longer subject to objection.

**II. Reductions to Distributors' Obligations to Make Payments Into the Common Benefit Fee Fund**

Pursuant to Exhibit R §II.C.1 of the *Distributor Settlement Agreement*, the Settling Distributors are required to pay \$775,384,615.41 into the Distributors' Common Benefit Fund. This payment amount is subject to the adjustments set forth in Exhibit R. Pursuant to Exhibit R §II.C.6.d, "At Participation Tier 4, there shall be no reductions to the Settling Distributors' obligations to make payment into the Common Benefit Fund." On November 11, 2022, the Directing Administrator notified the Fee Panel that the "Distributor Settlement Participation Tier is Tier 4." Because the Distributor Settlement Participation Tier is Tier 4, there are no adjustments to the Distributors' common benefit payment obligations.

**III. Rebates, Refunds, and Payments to be Directed to Distributors**

A. *New York – Applies to Counsel Representing Nassau and Suffolk Counties*

Pursuant to § VIII.B.1 of the *New York Distributors Agreement*, the law firms identified therein “shall direct the administrators of the Global Settlement Contingency Fee Fund and the Global Settlement Common Benefit Funds to disburse any and all payments allocated to each of those firms to the Settling Distributors until Settling Distributors have been paid” the sum identified in the settlement agreement. The Fee Panel received written instructions from those law firms and will direct payments to the Settling Distributors as agreed to by those law firms and the Settling Distributors. The amounts directed to the Distributors will be sourced only from those law firms’ Attorney Fee Fund Awards.

/s/ *David R. Cohen*  
*Randi S. Ellis*  
*David R. Herndon*  
**FEE PANEL**

**Dated:** August 2, 2024