

**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-C
REGARDING ADJUSTMENTS
TO COMMON BENEFIT AMOUNT
TO BE PAID BY WALMART**

I. Authority of the Fee Panel to Administer the Walmart Common Benefit Fund

Pursuant to Exhibit R §B.3, “ ... the Common Benefit Fund shall be administered by a Fee Panel to be appointed by the MDL Court that will be governed by the provisions of this Fee Agreement and shall design the process and procedures for the allocation of fees pursuant to this Fee Agreement and the MDL Court’s Order.” On August 12, 2021 (MDL Docket No. 3828), the MDL Court appointed the three signatories below to the Fee Panel to administer the Attorney Fee Fund.

II. Calculation of the Walmart Common Benefit Fee Fund Amount

Pursuant to Exhibit R §II.A.1 of the *Walmart Settlement Agreement*, Walmart is required to pay \$267,720,376.93 into the Walmart Attorney Fee Fund. Exhibit R §II.B.2 states, “There shall be a split of the Attorney Fee Fund into the Contingency Fee Fund and the Common Benefit Fund. The split shall be 40% to the Contingency Fee Fund and 60% to the Common Benefit Fund.” Therefore, the Common Benefit Fund amount is \$160,632,226.16. Consistent with Exhibit R

§II.C.I, Walmart deposited this amount into the Attorney Fee Fund within (15) calendar days of the Effective Date of the Walmart Agreement.

III. Reductions to Common Benefit Amount Walmart is Required to Pay

Pursuant to §II.C.5, “ ... the Fee Panel must consider the factors in paragraph II.C.4 ... to determine the amounts to refund to Walmart.” Additionally, Exhibit R §II.A.2 states, “If an Eligible State does not join the Agreement by the State Participation Date and is accordingly not a Settling State, the total attorneys’ fees and costs to be paid under this Fee Agreement by Walmart shall be reduced by twelve point four percent (12.4%) times the Remediation Payment amount that would have been allocated to that Non-Settling State” According to reports provided to the Fee Panel by the Directing Administrator, there were no Non-Settling States for the Walmart Settlement Agreement. After reviewing the participation data and applying the terms and conditions of Exhibit R, the Fee Panel determines there are no reductions to the common benefit amount Walmart is required to pay.

IV. Opportunity to Dispute

The Fee Panel informed Walmart and the MDL PEC of the adjustments to Walmart’s payment obligations to the Common Benefit Fund. The Fee Panel allowed Walmart and the MDL PEC an opportunity to review and, if necessary, dispute the calculations. Neither Walmart nor the MDL PEC disputed the adjustments to the Walmart Common Benefit Fund. Therefore, the Fee Panel now declares the common benefit amount listed above in Section II to be final and no longer subject to objection.

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

Dated: August 2, 2024