

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

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:  
“All Cases”

) CASE NO. 1:17-MD-2804

) David R. Cohen

) Randi S. Ellis

) Hon. David R. Herndon

) FEE PANEL ORDER NO. 45  
) REGARDING APPLICATIONS  
) RECEIVED FOR AWARDS FROM  
) THE KROGER CONTINGENCY  
) FEE FUND

On April 1, 2025, the Fee Panel issued [Fee Panel Order No. 43 \(Doc. 6055\)](#), which set a May 1, 2025 deadline for submission of applications for awards from the Kroger Contingency Fee Fund. On May 1, 2025, the Fee Panel issued [Fee Panel Order No. 44 \(Doc. 6133\)](#), which extended the deadline to May 15, 2025.

The Fee Panel received more than 600 Kroger Contingency Fee Fund Applications before the May 15, 2025 extended deadline. A list of the Participating Litigating Political Subdivisions whose Attorneys submitted timely applications to the Kroger Contingency Fee Fund is attached as Exhibit A.<sup>1</sup>

Pursuant to Section II.G.9 of the *Agreement on Attorneys’ Fees, Costs, and Expenses* for the Kroger national settlement agreement,<sup>2</sup> notice is hereby provided to all Attorneys representing Political Subdivisions who are not included in Exhibit A that they are *ineligible* to

---

<sup>1</sup> Inclusion of a Political Subdivision in Exhibit A is not a determination of eligibility by the Fee Panel. Contingency Fee Fund Applications may be determined ineligible for reasons other than failing to submit a timely application (e.g. failing to file a lawsuit naming Kroger before September 8, 2023). Notices of ineligibility for reasons other than missing the application deadline may be sent to counsel via Crosslink instead of by Fee Panel Order.

<sup>2</sup> Available at <https://opioidfeepaneldocuments.com>.

participate in the Kroger Contingency Fee Fund for those Political Subdivisions, for failure to timely submit an application.

Attorneys have 30 days from the date of this Order to provide a written statement with additional information such that the Fee Panel can reconsider the Attorney's eligibility to participate in the Kroger Contingency Fee Fund. The written statement may be provided to the Fee Panel by sending an email with an attachment to the following email address: [contingentfeefund@opioidfeepaneldocuments.com](mailto:contingentfeefund@opioidfeepaneldocuments.com). The email attachment must be in .PDF format and be limited to **3 pages**, double-spaced, with standard margin, and 12-point font.

**IT IS SO ORDERED.**

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

**Dated:** May 20, 2025

**Exhibit A**

| <b>State</b> | <b>Political Subdivision</b>  |
|--------------|-------------------------------|
| AL           | Auburn City                   |
| AL           | Decatur City                  |
| AL           | Hartselle City                |
| AL           | Madison County                |
| AL           | Mobile County Board Of Health |
| AL           | Morgan County                 |
| AZ           | Kingman City                  |
| AZ           | Mohave County                 |
| AZ           | Pinal County                  |
| AZ           | Prescott City                 |
| AZ           | Yuma County                   |
| CA           | Amador County                 |
| CA           | Butte County                  |
| CA           | Calaveras County              |
| CA           | Chico City                    |
| CA           | Chula Vista City              |
| CA           | Clearlake City                |
| CA           | Del Norte County              |
| CA           | El Dorado County              |
| CA           | Fresno County                 |
| CA           | Imperial County               |
| CA           | Inyo County                   |
| CA           | Lakeport City                 |
| CA           | Lassen County                 |
| CA           | Madera County                 |
| CA           | Mariposa County               |
| CA           | Merced County                 |
| CA           | Modoc County                  |
| CA           | Mono County                   |
| CA           | Monterey County               |
| CA           | Nevada County                 |
| CA           | Placer County                 |
| CA           | Plumas County                 |
| CA           | Riverside County              |
| CA           | Sacramento County             |
| CA           | San Bernardino County         |

|    |                                   |
|----|-----------------------------------|
| CA | San Diego County                  |
| CA | San Jose City                     |
| CA | Shasta County                     |
| CA | Sutter County                     |
| CA | Tehama County                     |
| CA | Trinity County                    |
| CA | Tuolumne County                   |
| CA | Yolo County                       |
| CA | Yuba County                       |
| CO | Adams County                      |
| CO | Alamosa City                      |
| CO | Alamosa County                    |
| CO | Arapahoe County                   |
| CO | Aurora City                       |
| CO | Black Hawk City                   |
| CO | Boulder County                    |
| CO | Brighton City                     |
| CO | Broomfield County-Broomfield City |
| CO | Chaffee County                    |
| CO | Commerce City City                |
| CO | Conejos County                    |
| CO | Denver County-Denver City         |
| CO | Federal Heights City              |
| CO | Fremont County                    |
| CO | Greeley City                      |
| CO | Hudson Town                       |
| CO | Jefferson County                  |
| CO | Lakewood City                     |
| CO | Larimer County                    |
| CO | Las Animas County                 |
| CO | Mesa County                       |
| CO | Northglenn City                   |
| CO | Otero County                      |
| CO | Pueblo County                     |
| CO | Sheridan City                     |
| CO | Teller County                     |
| CO | Thornton City                     |
| CO | Westminster City                  |
| CO | Wheat Ridge City                  |

|    |                                                 |
|----|-------------------------------------------------|
| GA | Albany City                                     |
| GA | Appling County                                  |
| GA | Ashburn City                                    |
| GA | Athens-Clarke County Unified Government         |
| GA | Atlanta City                                    |
| GA | Augusta-Richmond County Consolidated Government |
| GA | Bainbridge City                                 |
| GA | Banks County                                    |
| GA | Bartow County                                   |
| GA | Ben Hill County                                 |
| GA | Brantley County                                 |
| GA | Bulloch County                                  |
| GA | Burke County                                    |
| GA | Butts County                                    |
| GA | Calhoun City                                    |
| GA | Camden County                                   |
| GA | Candler County                                  |
| GA | Carroll County                                  |
| GA | Cartersville City                               |
| GA | Catoosa County                                  |
| GA | Charlton County                                 |
| GA | Chatsworth City                                 |
| GA | Chattooga County                                |
| GA | Cherokee County                                 |
| GA | Clay County                                     |
| GA | Clayton County                                  |
| GA | Clinch County                                   |
| GA | Cobb County                                     |
| GA | Colquitt County                                 |
| GA | Columbia County                                 |
| GA | Cook County                                     |
| GA | Crisp County                                    |
| GA | Dawson County                                   |
| GA | Dawsonville City                                |
| GA | Decatur County                                  |
| GA | Dekalb County                                   |
| GA | Dooly County                                    |
| GA | Dougherty County                                |
| GA | Early County                                    |

|    |                                      |
|----|--------------------------------------|
| GA | Effingham County                     |
| GA | Elbert County                        |
| GA | Emanuel County                       |
| GA | Evans County                         |
| GA | Fayette County                       |
| GA | Fitzgerald City                      |
| GA | Floyd County                         |
| GA | Forsyth County                       |
| GA | Fulton County                        |
| GA | Gainesville City                     |
| GA | Glascok County                       |
| GA | Gordon County                        |
| GA | Greene County                        |
| GA | Gwinnett County                      |
| GA | Habersham County                     |
| GA | Hall County                          |
| GA | Hancock County                       |
| GA | Helen City                           |
| GA | Henry County                         |
| GA | Houston County                       |
| GA | Irwin County                         |
| GA | Jackson City                         |
| GA | Jackson County                       |
| GA | Jasper County                        |
| GA | Jeff Davis County                    |
| GA | Jefferson County                     |
| GA | Johnson County                       |
| GA | Jones County                         |
| GA | Laurens County                       |
| GA | Lee County                           |
| GA | Liberty County                       |
| GA | Lincoln County                       |
| GA | Long County                          |
| GA | Lumpkin County                       |
| GA | Macon-Bibb County Unified Government |
| GA | Madison County                       |
| GA | Marietta City                        |
| GA | Mcdonough City                       |
| GA | Mcduffie County                      |

|    |                    |
|----|--------------------|
| GA | Mcintosh County    |
| GA | Milledgeville City |
| GA | Montgomery County  |
| GA | Moultrie City      |
| GA | Murray County      |
| GA | Newton County      |
| GA | Oconee County      |
| GA | Oglethorpe County  |
| GA | Pike County        |
| GA | Polk County        |
| GA | Pulaski County     |
| GA | Rabun County       |
| GA | Randolph County    |
| GA | Ringgold City      |
| GA | Rockdale County    |
| GA | Rome City          |
| GA | Sandy Springs City |
| GA | Savannah City      |
| GA | Screven County     |
| GA | Seminole County    |
| GA | Snellville City    |
| GA | Spalding County    |
| GA | Springfield City   |
| GA | Stephens County    |
| GA | Sumter County      |
| GA | Taliaferro County  |
| GA | Tattnall County    |
| GA | Telfair County     |
| GA | Tifton City        |
| GA | Toombs County      |
| GA | Towns County       |
| GA | Troup County       |
| GA | Twiggs County      |
| GA | Union County       |
| GA | Valdosta City      |
| GA | Villa Rica City    |
| GA | Walton County      |
| GA | Warren County      |
| GA | Washington County  |

|    |                   |
|----|-------------------|
| GA | Wayne County      |
| GA | Whitfield County  |
| GA | Wilkes County     |
| GA | Winder City       |
| GA | Woodstock City    |
| GA | Worth County      |
| ID | Adams County      |
| ID | Bingham County    |
| ID | Blaine County     |
| ID | Boise County      |
| ID | Bonneville County |
| ID | Canyon County     |
| ID | Caribou County    |
| ID | Cassia County     |
| ID | Elmore County     |
| ID | Latah County      |
| ID | Minidoka County   |
| ID | Owyhee County     |
| ID | Payette County    |
| IL | Boone County      |
| IL | Bureau County     |
| IL | Calhoun County    |
| IL | Champaign County  |
| IL | Christian County  |
| IL | Cook County       |
| IL | Dekalb County     |
| IL | Dupage County     |
| IL | Franklin County   |
| IL | Harrisburg City   |
| IL | Henry County      |
| IL | Herrin City       |
| IL | Jefferson County  |
| IL | Johnson County    |
| IL | Kane County       |
| IL | Kankakee County   |
| IL | Kendall County    |
| IL | Logan County      |
| IL | Macon County      |
| IL | Macoupin County   |

|    |                     |
|----|---------------------|
| IL | Marion City         |
| IL | Mchenry County      |
| IL | Piatt County        |
| IL | Putnam County       |
| IL | Rock Island County  |
| IL | Rockford City       |
| IL | Saline County       |
| IL | Sangamon County     |
| IL | Schuyler County     |
| IL | Stephenson County   |
| IL | Union County        |
| IL | West Frankfort City |
| IL | Will County         |
| IL | Winnebago County    |
| IN | Alexandria City     |
| IN | Allen County        |
| IN | Atlanta Town        |
| IN | Beech Grove City    |
| IN | Benton County       |
| IN | Bloomington City    |
| IN | Brownstown Town     |
| IN | Connersville City   |
| IN | Danville Town       |
| IN | Delaware County     |
| IN | Elwood City         |
| IN | Fayette County      |
| IN | Fishers City        |
| IN | Fort Wayne City     |
| IN | Franklin City       |
| IN | Franklin County     |
| IN | Greenwood City      |
| IN | Howard County       |
| IN | Huntington City     |
| IN | Jackson County      |
| IN | Jeffersonville City |
| IN | Jennings County     |
| IN | Lafayette City      |
| IN | Lawrence City       |
| IN | Lawrence County     |

|    |                                    |
|----|------------------------------------|
| IN | Madison County                     |
| IN | Martinsville City                  |
| IN | Monroe County                      |
| IN | Mooresville Town                   |
| IN | Morgan County                      |
| IN | New Albany City                    |
| IN | New Castle City                    |
| IN | Noblesville City                   |
| IN | Pendleton Town                     |
| IN | Peru City                          |
| IN | Plainfield Town                    |
| IN | Richmond City                      |
| IN | Ripley County                      |
| IN | Seymour City                       |
| IN | Sheridan Town                      |
| IN | South Bend City                    |
| IN | Terre Haute City                   |
| IN | Tippecanoe County                  |
| IN | Vigo County                        |
| IN | West Lafayette City                |
| IN | Westfield City                     |
| IN | Zionsville Town                    |
| KS | Barber County                      |
| KS | Finney County                      |
| KS | Ford County                        |
| KS | Harvey County                      |
| KS | Johnson County                     |
| KS | Leavenworth County                 |
| KS | Pratt County                       |
| KS | Reno County                        |
| KS | Sedgwick County                    |
| KS | Seward County                      |
| KS | Wichita City                       |
| LA | Rapides Parish/Police Jury         |
| LA | Sheriff Of Allen Parish            |
| LA | Sheriff Of Ascension Parish        |
| LA | Sheriff Of Avoyelles Parish        |
| LA | Sheriff Of Calcasieu Parish        |
| LA | Sheriff Of East Baton Rouge Parish |

|    |                                   |
|----|-----------------------------------|
| LA | Sheriff Of East Carroll Parish    |
| LA | Sheriff Of Evangeline Parish      |
| LA | Sheriff Of Jefferson Davis Parish |
| LA | Sheriff Of Lafayette Parish       |
| LA | Sheriff Of Morehouse Parish       |
| LA | Sheriff Of Ouachita Parish        |
| LA | Sheriff Of Rapides Parish         |
| LA | Sheriff Of Richland Parish        |
| LA | Sheriff Of Sabine Parish          |
| LA | Sheriff Of Vernon Parish          |
| LA | Sheriff Of Washington Parish      |
| LA | Sheriff Of West Carroll Parish    |
| LA | Shreveport City                   |
| MD | Calvert County                    |
| MD | Cambridge City                    |
| MD | Dorchester County                 |
| MI | Bay County                        |
| MI | Branch County                     |
| MI | Calhoun County                    |
| MI | Canton Charter Township           |
| MI | Clinton Charter Township          |
| MI | Eaton County                      |
| MI | Huron Charter Township            |
| MI | Kalamazoo County                  |
| MI | Livonia City                      |
| MI | Monroe County                     |
| MI | Muskegon County                   |
| MI | Northville Charter Township       |
| MI | Pittsfield Charter Township       |
| MI | Pontiac City                      |
| MI | Romulus City                      |
| MI | Van Buren Charter Township        |
| MI | Wayne City                        |
| MO | Audrain County                    |
| MO | Boone County                      |
| MO | Callaway County                   |
| MO | Chariton County                   |
| MO | Cole County                       |
| MO | Douglas County                    |

|    |                   |
|----|-------------------|
| MO | Gasconade County  |
| MO | Jackson County    |
| MO | Kansas City City  |
| MO | Knox County       |
| MO | Lewis County      |
| MO | Maries County     |
| MO | Miller County     |
| MO | Moniteau County   |
| MO | Montgomery County |
| MO | Osage County      |
| MO | Ozark County      |
| MO | Pemiscot County   |
| MO | Phelps County     |
| MO | Pulaski County    |
| MO | Randolph County   |
| MO | Reynolds County   |
| MO | Ripley County     |
| MO | Schuyler County   |
| MO | Shannon County    |
| MO | Shelby County     |
| MO | St Charles County |
| MO | St Louis County   |
| MO | Warren County     |
| MO | Webster County    |
| MO | Wright County     |
| MS | Arcola Town       |
| MS | Bolivar County    |
| MS | Desoto County     |
| MS | Hinds County      |
| MS | Jackson City      |
| MS | Lafayette County  |
| MS | Laurel City       |
| MS | Madison County    |
| MS | Mound Bayou City  |
| NC | Cabarrus County   |
| NC | Cleveland County  |
| NC | Davidson County   |
| NC | Durham County     |
| NC | Iredell County    |

|    |                                              |
|----|----------------------------------------------|
| NC | Mecklenburg County                           |
| NC | Robeson County                               |
| NE | Douglas County                               |
| NV | Central Lyon County Fire Protection District |
| NV | Clark County                                 |
| NV | Douglas County                               |
| NV | Fernley City                                 |
| NV | Lyon County                                  |
| NV | North Lyon County Fire Protection District   |
| NV | Nye County                                   |
| NV | West Wendover City                           |
| OH | Athens County                                |
| OH | Auglaize County                              |
| OH | Belmont County                               |
| OH | Brown County                                 |
| OH | Butler County                                |
| OH | Champaign County                             |
| OH | Cincinnati City                              |
| OH | Clermont County                              |
| OH | Cleveland City                               |
| OH | Clinton County                               |
| OH | Crawford County                              |
| OH | Cuyahoga County                              |
| OH | Darke County                                 |
| OH | Dayton City                                  |
| OH | Delaware County                              |
| OH | Erie County                                  |
| OH | Fairfield City                               |
| OH | Fairfield County                             |
| OH | Fayette County                               |
| OH | Findlay City                                 |
| OH | Franklin County                              |
| OH | Fulton County                                |
| OH | Hamilton City                                |
| OH | Hamilton County                              |
| OH | Hancock County                               |
| OH | Hocking County                               |
| OH | Ironton City                                 |
| OH | Jackson County                               |

|    |                   |
|----|-------------------|
| OH | Jefferson County  |
| OH | Knox County       |
| OH | Lawrence County   |
| OH | Lebanon City      |
| OH | Licking County    |
| OH | Logan County      |
| OH | Lucas County      |
| OH | Marietta City     |
| OH | Marion County     |
| OH | Meigs County      |
| OH | Middletown City   |
| OH | Montgomery County |
| OH | Morrow County     |
| OH | Muskingum County  |
| OH | Noble County      |
| OH | Ottawa County     |
| OH | Perry County      |
| OH | Pike County       |
| OH | Portsmouth City   |
| OH | Ross County       |
| OH | Sandusky County   |
| OH | Scioto County     |
| OH | Seneca County     |
| OH | Shelby County     |
| OH | St. Marys City    |
| OH | Toledo City       |
| OH | Washington County |
| OR | Clackamas County  |
| OR | Clatsop County    |
| OR | Columbia County   |
| OR | Coos County       |
| OR | Curry County      |
| OR | Jackson County    |
| OR | Josephine County  |
| OR | Lane County       |
| OR | Multnomah County  |
| OR | Portland City     |
| OR | Washington County |
| OR | Yamhill County    |

|    |                       |
|----|-----------------------|
| SC | Abbeville County      |
| SC | Aiken County          |
| SC | Allendale County      |
| SC | Anderson County       |
| SC | Bamberg County        |
| SC | Barnwell County       |
| SC | Beaufort County       |
| SC | Calhoun County        |
| SC | Charleston City       |
| SC | Cherokee County       |
| SC | Chester County        |
| SC | Chesterfield County   |
| SC | Clarendon County      |
| SC | Colleton County       |
| SC | Dillon County         |
| SC | Dorchester County     |
| SC | Edgefield County      |
| SC | Fairfield County      |
| SC | Florence County       |
| SC | Greenville County     |
| SC | Greenwood County      |
| SC | Hampton County        |
| SC | Horry County          |
| SC | Jasper County         |
| SC | Kershaw County        |
| SC | Lancaster County      |
| SC | Laurens County        |
| SC | Lee County            |
| SC | Lexington County      |
| SC | Marion County         |
| SC | Marlboro County       |
| SC | Mccormick County      |
| SC | Mount Pleasant Town   |
| SC | Myrtle Beach City     |
| SC | Newberry County       |
| SC | North Charleston City |
| SC | Oconee County         |
| SC | Orangeburg County     |
| SC | Pickens County        |

|    |                                                           |
|----|-----------------------------------------------------------|
| SC | Saluda County                                             |
| SC | Spartanburg County                                        |
| SC | Summerville Town                                          |
| SC | Sumter County                                             |
| SC | Union County                                              |
| SC | Williamsburg County                                       |
| SC | York County                                               |
| TN | Arlington Town                                            |
| TN | Madison County                                            |
| TN | Metropolitan Government Of Nashville & Davidson<br>County |
| TN | Millington City                                           |
| TN | Montgomery County                                         |
| TN | Rutherford County                                         |
| TN | Shelby County                                             |
| TN | Washington County                                         |
| TN | Williamson County                                         |
| TX | Tarrant County                                            |
| UT | Beaver County                                             |
| UT | Cache County                                              |
| UT | Daggett County                                            |
| UT | Duchesne County                                           |
| UT | Emery County                                              |
| UT | Garfield County                                           |
| UT | Juab County                                               |
| UT | Kane County                                               |
| UT | Piute County                                              |
| UT | Rich County                                               |
| UT | Salt Lake County                                          |
| UT | Sevier County                                             |
| UT | Summit County                                             |
| UT | Tooele County                                             |
| UT | Uintah County                                             |
| UT | Utah County                                               |
| UT | Wasatch County                                            |
| UT | Washington County                                         |
| UT | Wayne County                                              |
| UT | Weber County                                              |
| VA | Danville City                                             |
| VA | Norfolk City                                              |

|    |                     |
|----|---------------------|
| VA | Richmond City       |
| VA | Scott County        |
| VA | Virginia Beach City |
| VA | Wise County         |
| WA | Clark County        |
| WA | Jefferson County    |
| WA | Kittitas County     |
| WA | Vancouver City      |
| WI | Adams County        |
| WI | Ashland County      |
| WI | Barron County       |
| WI | Bayfield County     |
| WI | Brown County        |
| WI | Buffalo County      |
| WI | Burnett County      |
| WI | Calumet County      |
| WI | Chippewa County     |
| WI | Clark County        |
| WI | Columbia County     |
| WI | Crawford County     |
| WI | Dodge County        |
| WI | Door County         |
| WI | Douglas County      |
| WI | Dunn County         |
| WI | Eau Claire County   |
| WI | Florence County     |
| WI | Fond Du Lac County  |
| WI | Forest County       |
| WI | Grant County        |
| WI | Green County        |
| WI | Green Lake County   |
| WI | Iowa County         |
| WI | Iron County         |
| WI | Jackson County      |
| WI | Jefferson County    |
| WI | Juneau County       |
| WI | Kenosha County      |
| WI | Kewaunee County     |
| WI | La Crosse County    |

|    |                    |
|----|--------------------|
| WI | Lafayette County   |
| WI | Langlade County    |
| WI | Lincoln County     |
| WI | Manitowoc County   |
| WI | Marathon County    |
| WI | Marinette County   |
| WI | Marquette County   |
| WI | Menominee County   |
| WI | Monroe County      |
| WI | Oconto County      |
| WI | Oneida County      |
| WI | Outagamie County   |
| WI | Ozaukee County     |
| WI | Pepin County       |
| WI | Pierce County      |
| WI | Portage County     |
| WI | Price County       |
| WI | Racine County      |
| WI | Richland County    |
| WI | Rock County        |
| WI | Rusk County        |
| WI | Sauk County        |
| WI | Sawyer County      |
| WI | Shawano County     |
| WI | Sheboygan County   |
| WI | St Croix County    |
| WI | Taylor County      |
| WI | Trempealeau County |
| WI | Vernon County      |
| WI | Vilas County       |
| WI | Washburn County    |
| WI | Washington County  |
| WI | Waupaca County     |
| WI | Waushara County    |
| WI | Winnebago County   |
| WI | Wood County        |