

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

IN RE PUBLICATION PAPER	:	
ANTITRUST LITIGATION	:	Docket No. 3:14 MD 2516 (SRU)
_____	:	
	:	
THIS DOCUMENT RELATES TO:	:	ALL DIRECT PURCHASER ACTIONS
_____	:	

**ORDER APPOINTING COUNSEL**

On May 22, 2014, the court held a pretrial conference to appoint interim lead and liaison counsel for the direct and indirect purchaser actions. During the conference, I resolved the motions regarding the appointment of interim lead and liaison counsel for the direct purchaser and indirect purchaser plaintiffs. In a scheduling order dated May 30, 2014, I directed the two groups of plaintiffs to file proposed orders for the appointment of lead and liaison counsel. I have received those proposed orders and, therefore, it is hereby ordered that:

**A. Interim Lead Counsel**

1. The court appoints Interim Lead Counsel for the proposed class of direct purchasers consisting of the following:

Bruce E. Gerstein  
Joseph Opper  
Ephraim R. Gerstein  
Garwin Gerstein and Fisher, LLP  
88 Pine Street, 10th Floor  
New York, New York 10005  
Tel: (212) 398-0055  
Email: bgerstein@garwingerstein.com  
jopper@garwingerstein.com  
egerstein@garwingerstein.com

2. The Interim Lead Counsel shall be responsible for the overall conduct by the direct

purchaser plaintiffs of the Aggrenox Antitrust Litigation. The Interim Lead Counsel shall have the following responsibilities:

- a. to call meetings of plaintiffs' counsel when appropriate;
- b. to designate plaintiffs' counsel to act as spokespersons at hearings and conferences;
- c. to assign work among interested plaintiffs' counsel, in consultation with the Executive Committee, in order to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort;
- d. to brief and argue motions and file opposing briefs in proceedings initiated by other parties;
- e. to initiate and conduct discovery proceedings;
- f. to consult with and employ experts;
- g. to negotiate with defense counsel with respect to the timing and substance of settlement and other matters;
- h. to conduct trial and post-trial proceedings;
- i. to allocate fees;
- j. to collect time and expense reports from plaintiffs' counsel on a periodic basis;
- k. to perform such other duties and undertake such other responsibilities as they deem necessary or desirable; and
- l. to coordinate and communicate with defendants' counsel with respect to matters addressed in this paragraph.

3. No substantive motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff except through the Interim Lead Counsel or its designees, or with leave of the court.

4. Interim Lead Counsel shall have sole authority to communicate with defendants'

counsel and the court on behalf of all plaintiffs in the direct purchaser actions. Defendants' counsel may rely on all agreements made only with Interim Lead Counsel or its designees and such agreements shall be binding on all counsel in the direct purchaser actions

5. Interim Lead Counsel and the Executive Committee shall ensure that all work necessary to prosecute this action is allocated based on the skills and abilities of counsel representing the direct purchaser class, and that such decisions shall not be made on the basis of whether a firm is, or is not, lead counsel or a member of the Executive Committee.

**B. The Executive Committee**

1. The court appoints as the Executive Committee for the proposed class of direct purchasers the following:

David F. Sorensen  
Andrew C. Curley  
Berger & Montague, P.C.  
1622 Locust Street  
Philadelphia, PA 19103  
Tel: (215) 875-3000  
Email: dsorensen@bm.net  
acurley@bm.net

Thomas M. Sobol  
David S. Nalven  
Hagens Berman Sobol Shapiro LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Tel: (617) 482-3700  
Email: tom@hbsslaw.com  
davidn@hbsslaw.com

Linda P. Nussbaum  
Grant & Eisenhofer P.A.  
485 Lexington Avenue, 29th Floor  
New York, NY 10017  
Tel: (646) 722-8504  
Email: lnussbaum@gelaw.com

2. The Executive Committee shall work cooperatively with the Interim Lead Counsel to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

**C. Interim Liaison Counsel**

1. The court appoints the following as Interim Liaison Counsel for the proposed class of direct purchasers:

Gerald C. Pia, Jr.  
Brian C. Roche  
Roche Pia LLC  
Two Corporate Drive, Suite 248  
Shelton, CT 06484  
Tel: (203) 944-0235  
Email: gpia@rochepia.com  
broche@rochepia.com

David R. Schaefer  
Brian P. Daniels  
Brenner, Saltzman & Wallman, LLP  
271 Whitney Avenue  
New Haven, CT 06511  
Tel: (203) 772-2600  
Email: dschaefer@bswlaw.com  
bpdaniels@bswlaw.com

2. The Plaintiffs' Liaison Counsel shall have the following responsibilities:

- a. to receive orders, notices, correspondence, and telephone calls from the court on behalf of all plaintiffs;
- b. to maintain an up-to-date service list of all counsel for distributing copies of orders, notices and other documents to plaintiffs' counsel; and
- c. to perform any other task assigned by the Interim Lead Counsel.

**D. Maintenance of Contemporaneous Attorney Time and Expense Records**

1. All plaintiffs' counsel shall keep a contemporaneous record of the time expended and expenses incurred and submit them periodically to the Interim Lead Counsel or its designee.

It is so ordered.

Dated at Bridgeport, Connecticut, this 16th day of June 2014.

/s/ Stefan R. Underhill  
Stefan R. Underhill  
United States District Judge