

**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 INDIRECT 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 indirect purchasers consisting of the following:

Steve D. Shadowen
Hilliard Shadowen LLC
39 West Main Street
Mechanicsburg, Pennsylvania 17055
Tel: (855) 344-3928
Email: steve@hilliardshadowenlaw.com

Rena D. Steiner
Heins Mills & Olson, P.L.C.
310 Clifton Avenue
Minneapolis, Minnesota 55403
Tel: (612) 338-4605
Email: rsteiner@heinsmills.com

Marvin A. Miller
Miller Law LLC
115 S. LaSalle Street, Suite 2910
Chicago, Illinois 60603
Tel: (312) 332-3400
Email: MMiller@MillerLawLLC.com

2. The Interim Lead Counsel shall be responsible for the overall conduct by the indirect 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 indirect 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 indirect 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 indirect 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 indirect purchasers the following:

J. Douglas Richards
Cohen Milstein Sellers & Toll, PLLC
88 Pine Street, 14th Floor
New York, New York 10005
Tel: (212) 838-7797
Email: drichards@cohenmilstein.com

Daniel C. Girard
Girard Gibbs LLP
601 California Street
San Francisco, California 94108
Tel: (415) 981-4800
Email: dcg@girardgibbs.com

Natalie Finkelman Bennett

Shepherd Finkelman Miler & Shah LLP
35 East State Street
Media, Pennsylvania 19063
Tel: (610) 891-9880
Email: nfinkelman@sfmslaw.com

David Mitchell
Robbins Geller Rudman & Dowd LLP
655 West Broadway, Suite 1900
San Diego, California 92101
Tel: (619) 231-1058
Email: davidm@rgrdlaw.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 indirect purchasers:

William H. Narwold
Motley Rice LLC
One Corporate Center
20 Church Street, 17th Floor
Hartford, Connecticut 06103
Tel: (860) 882-1676
Email: bnarword@motleyrice.com

Michael M. Buchman
Motley Rice LLC
600 Third Avenue, 21st Floor
New York, New York 10016
Tel: (212) 577-0050
Email: mbuchman@motleyrice.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