

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

IN RE DIET DRUG LITIGATION )  
THIS DOCUMENT RELATES TO: )  
ALL ACTIONS )

**Judicial Council  
Coordination Proceeding  
No. 4032**  
**Honorable Daniel S. Pratt**  
**GENERAL ORDER NO. 11  
SET ASIDE FOR  
CALIFORNIA COMMON  
BENEFIT FEES AND  
COSTS**

This Order is intended to augment and refine this Court’s prior determinations regarding set aside for plaintiff common benefit fees and costs as set forth in General Order No. 7 (“G.O.#7”) which was filed in this Judicial Council Coordination Proceeding No. 4032 (“JCCP 4032”) on March 29, 1999. This Order hereby refers to and incorporates as though fully set forth herein G.O. #7 and its exhibits. A copy of G.O. #7 and its exhibits are appended to this Order as Exhibit “1”.

**A. Waiver of Three Percent (3%) JCCP4032 Fee and Cost Account**

1. The PEC, on behalf of all California Common Benefit Attorneys, agree to waive the right to seek reimbursement for common benefit fees and costs from the JCCP4032 Fee and Cost Account. It is therefore ordered that, henceforth, defendant(s) shall no longer deduct an amount equal to three percent (3%) of the aggregate amount of

1 every claim payment nor deposit such amount into the JCCP4032 Fee and cost Account,  
2 as previously required under G.O.#7. Before making any claim payment, defendant(s)  
3 shall continue to deduct six percent (6%) of the aggregate amount and shall deposit such  
4 sum into the MDL 1203 Fee and Cost Account. All other provisions of G.O. #7  
5 regarding payment of the six percent (6%) into the MDL 1203 Fee and Cost Account  
6 shall remain in effect. However, defendant(s) shall deduct no other sums or amounts, in  
7 addition to the six percent (6%), from the claim payment before making said claim  
8 payment.

9 2. As to any claim payments made prior to the signing of this order, the  
10 defendant(s), who made the claim payment, shall pay the three percent (3%), that was to  
11 be deposited into the JCCP4032 Fee and Cost Account, to each plaintiff(s) who was  
12 entitled to the claim payment (the "Entitled Plaintiff(s)"). Said defendant(s) shall make  
13 all such payments within 30 days of the signing of this Order. In addition to paying each  
14 Entitled Plaintiff(s) three percent (3%) of the aggregate amount of the claim payment,  
15 said defendant(s) shall pay each Entitled Plaintiff(s) any interest that has accrued on the  
16 three percent (3%) amount. Said defendant(s) shall send the payment to the Entitled  
17 Plaintiff(s)' attorney for deposit into that attorney's client trust account.

18  
19 **B. Deduction of Six Percent (6%) Off the Top of the Claim Payment**

20  
21 For purposes of accounting of any claim payment and distribution to any Plaintiff(s)  
22 receiving a claim payment, the six percent (6%) amount to be deposited into the MDL  
23 1203 Fee and Cost Account shall be deducted "off the top" of the aggregate amount of  
24 the claim payment. Individual case costs and legal fees shall then be computed and  
25 deducted from the remaining ninety-four percent (94%) of the aggregate amount of the  
26 claim payment.  
27  
28

