

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

IN RE: VIOXX : MDL NO. 1657  
PRODUCTS LIABILITY LITIGATION : SECTION: L  
..... : JUDGE FALLON  
: MAG. JUDGE KNOWLES  
: .....

**THIS DOCUMENT RELATES TO: ALL CASES**

**ORDER**

On August 27, 2008, the Court issued an Order & Reasons capping all contingent fees for attorneys representing claimants in the Vioxx Settlement at 32% plus reasonable costs. Pursuant to the Court’s Order, no attorney representing a Vioxx claimant may collect more than 32% of the claimant’s settlement award for attorneys’ fees. In other words, all Vioxx claimants should receive at least 68% of their net settlement award, minus reasonable costs.

On December 10, 2008, certain plaintiffs’ attorneys (“The Vioxx Litigation Consortium,” or “VLC”) filed a motion to reconsider the Court’s ruling. The VLC is a group of plaintiffs’ attorneys from the law firms of Provost & Umphrey Law Firm, LLP; Williams, Kherkher, Hart, Boundas, LLP; Ranier, Gayle & Elliot, LLC; The Watts Law Firm, LLP; and The Kaiser Law Firm, LLP. The VLC seeks to collect contingent fees in excess of the 32% cap set by the Court. Because any additional attorneys’ fees will come directly from the claimants’ settlement awards and will result in less recovery for the Vioxx claimants, the VLC attorneys’ interests on this

particular issue are potentially in conflict with the interests of their clients. It is thus appropriate for the Vioxx claimants to have their fee interests represented by independent counsel.

Accordingly, IT IS ORDERED that the Tulane Civil Litigation Clinic is hereby appointed by the Court to represent the interests of claimants subject to the Court's 32% Capping Order. Vioxx claimants who have questions about this matter or wish to comment on the motion may contact the Tulane Civil Litigation Clinic at (504) 865-5153, or by writing to the following address:

Tulane Civil Litigation Clinic  
6329 Freret Street  
New Orleans, LA 70118

In the near future, the Court will schedule a status conference with representatives of the VLC and the Tulane Civil Litigation Clinic. At the status conference, the Court will set a briefing and argument schedule for addressing the VLC's Motion to Reconsider.

IT IS FURTHER ORDERED that the VLC attorneys shall forward a copy of this Order to their clients who have enrolled in the settlement. On or before January 5, 2009, counsel for the VLC attorneys shall file into the record an affidavit stating that the VLC has fully complied with this Order.

New Orleans, Louisiana, this 19th day of December, 2008.

  
UNITED STATES DISTRICT JUDGE