## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA

In re: VIOXX \* **MDL No. 1657** 

PRODUCTS LIABILITY LITIGATION \* **SECTION: L** 

\*

**JUDGE FALLON** 

This document relates to All Cases

MAG. JUDGE KNOWLES

Filed 11/20/2007

## PRE-TRIAL ORDER NO. 32 (Appointment of Allocation Committee)

On November 9, 2007, Merck & Co., Inc. and a committee of plaintiffs' attorneys appointed by this Court to engage Merck in settlement discussions reached an agreement to resolve pending lawsuits or tolled (and certain previously tolled) Vioxx claims against Merck involving heart attacks, ischemic strokes, and sudden cardiac deaths existing as of November 9, 2007. The Settlement Agreement, Paragraph 9.2.4, provides that this Court shall appoint a committee of plaintiffs' attorneys to be responsible for recommending to the Court the allocation to be made by the Court of awards of attorneys' fees from the Settlement Fee and Cost Account. Accordingly, pursuant to this authority, and pursuant to this transferee Court's inherent authority over this multidistrict litigation, the Court hereby appoints the following counsel to serve on the Allocation Committee:

> Russ M, Herman – Chairman HERMAN, HERMAN, KATZ & COTLAR, L.L.P. 820 O'Keefe Avenue New Orleans, Louisiana 70113

Andy D. Birchfield, Jr. – Secretary BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. P.O. Box 4160 234 Commerce Street Montgomery, AL 36103-4160

Christopher A. Seeger SEEGER WEISS One William Street New York, NY 10004

Edward F. Blizzard BLIZZARD, MCCARTHY & NABERS, L.L.P. Lyric Centre, 440 Louisiana, Suite 1710 Houston, TX 77002-1689

Thomas V. Girardi GIRARDI & KEESE 1126 Wilshire Blvd. Los Angeles, CA 90017

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Arnold Levin LEVIN, FISHBEIN, SEDRAN & BERMAN 510 Walnut Street, Suite 500 Philadelphia, PA 19106

**Troy Rafferty** LEVIN, PAPANTONIO, THOMAS, MITCHELL, ECHSNER & PROCTOR, PA 316 S. Baylen Street, Suite 400 Pensacola, FL 32502

Perry Weitz WEITZ & LUXENBERG 180 Maiden Lane New York, NY 10038

It shall be the Chairman's duty to call and preside over all meetings of the Allocation

Committee. It shall be the Secretary's duty to keep minutes of all meetings of the Allocation

Committee and to collect appropriate documents to support the Committee's ultimate recommendations. The Court may issue subsequent Orders governing the procedure by which the Allocation Committee shall carry out its function.

The appointment of the Allocation Committee is of a personal nature. Accordingly, the above appointees cannot be substituted by other attorneys, including members of the appointee's law firm, to perform the Allocation Committee's exclusive functions, except with prior approval of the Court.

The foregoing is now made the Order of the Court.

Dated: November 20, 2007

Honorable Eldon E. Fallon

United States District Court Judge