

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**In Re: TAXOTERE (DOCETAXEL)  
PRODUCTS LIABILITY  
LITIGATION**

**MDL NO. 2740  
SECTION “N” (5)**

**THIS DOCUMENT RELATES TO:  
ALL CASES**

**PRETRIAL ORDER NO. 17**

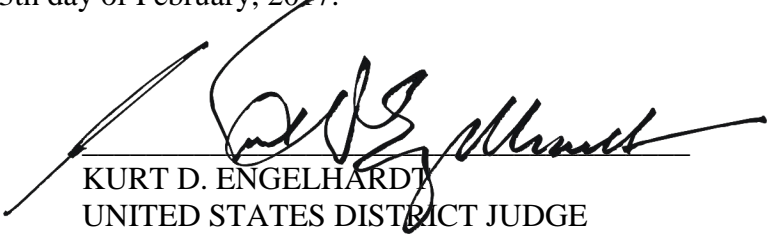
[Intent to Appoint Kenneth W. DeJean as Special Master]

On Monday, February 13, 2017, the Court issued a Show Cause Order (Pretrial Order No. 16) related to the Court’s intent to enter the PSC’s proposed Common Benefit Order. In that proposed common benefit order, guidelines are established for the monthly recordation and submission of common benefit time and expenses for eventual consideration of common benefit attorney fees and cost reimbursement. Section VII of the proposed common benefit order also contemplates appointment of a Special Master for management, oversight, and substantive review of matters related to and claimed to be common benefit, and any other matters or recommendation as directed by the Court.

In accordance with Federal Rule of Civil Procedure 53(b)(1), the Court hereby gives notice of its intent to appoint Kenneth W. DeJean to serve as Special Master as contemplated in the proposed Common Benefit Order. Mr. DeJean’s curriculum vitae is attached to this Order as Exhibit A. An affidavit by Mr. DeJean disclosing any ground for disqualification under 28 U.S.C. § 455 is attached to this Order as Exhibit B. *See* Fed. R. Civ. P. 53(b)(3)(A). The proposed order appointing Mr. DeJean as Special Master is attached as Exhibit C.

Any response in opposition to this appointment shall be filed by **Tuesday, February 21, 2017.**

New Orleans, Louisiana, this 13th day of February, 2017.



KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE

**CURRICULUM VITAE**  
**OF KENNETH W. DEJEAN**

**Work Address and Telephone Number:**

417 West University Avenue  
Post Office Box 4325  
Lafayette, Louisiana 70502  
(337) 235-5294 (Phone)  
(337) 235-1095 (Fax)  
[kwdejean@kwdejean.com](mailto:kwdejean@kwdejean.com) (E-Mail)

**EDUCATION AND DEGREES:**

May 1969	Port Barre High School Port Barre, Louisiana
May 1973	University of Southwestern Louisiana Lafayette, Louisiana Bachelor of Arts Degree - Political Science
January 1976	Loyola Law School New Orleans, Louisiana Juris Doctorate

**EXPERIENCE:**

1974 - 1976	Law Clerk for Honorable Bernard Bagert, Chief Judge, Orleans Parish Criminal Court New Orleans, Louisiana
02/76 - 06/77	J. Minos Simon, Ltd. Lafayette, Louisiana
06/77 - 11/77	Partner - Simon, Block, DeJean and Milligan Lafayette, Louisiana
12/77 - 01/80	Sole Practitioner Lafayette, Louisiana
1980 - 1989	Partner - Fruge' & DeJean Lafayette, Louisiana
06/89 to Present	Law Offices of Kenneth W. DeJean Lafayette, Louisiana

Supreme Court of the United States - 11/13/1987  
Supreme Court of the State of Louisiana - 04/23/1976  
Colorado State Supreme Court - 05/09/1989  
United States District Court for the Western - 05/25/1975, Middle - 11/02/1983 and Eastern -  
07/16/1980 Districts of Louisiana  
United States Court of Appeals, Fifth - 09/13/1976 and Eleventh - 11/03/1983 Circuits

**RATINGS**

AV Preeminent Rating (Martindale Hubbell)

**MEMBERSHIPS:**

1. Louisiana State Bar Association
2. Colorado State Bar Association
3. American Bar Association
4. American Association for Justice
5. Louisiana Association for Justice
6. Lafayette Parish Bar Association
7. Lafayette Trial Lawyers Association
8. Federal Bar Association - Lafayette Acadiana Chapter
9. Bar Association of the Fifth Federal Circuit
10. Louisiana Bar Foundation
11. Million Dollar Advocates Forum
12. National Trial Lawyers Association: Top 100 Trial Lawyers in Louisiana

**OTHER ACTIVITIES:**

Past President - Federal Bar Association (Lafayette - Acadiana Chapter) (2014-2015)

Past President - Lafayette Trial Lawyers Association (1985-1986)

Who's Who in American Law - 1986

Board of Governors - Louisiana Association for Justice (formerly Louisiana Trial Lawyers Association) (1986 to Present)

Counsel of Directors - Louisiana Trial Lawyers Association (1999- 2000)

Advisory Board of the Louisiana Law Institute (1989)

John M. Duhe' American Inns of Court (Past Member & Founding Member)

Member: Coastal Conservation Association and past President of the Acadiana Chapter

Speaker at numerous Seminars and Professional Meetings on Torts, Evidence and Complex Litigation

U.S. Coast Guard Master Certificate (December 1985 - February 2008)

**APPOINTMENTS:**

1. Special Master - Eunice Trail Derailment Class Action - Civil Action Number: 00-1267, with approximately 12,000 claimants. I was appointed as Special Master to conduct settlement negotiations, prepare allocation awards and make special case awards. I also conducted hearings on allocation appeals and inquiry into suspect claims. I was appointed on April 26, 2002 by Judge Richard T. Haik, Sr., United States District Court, Western District of Louisiana, Lafayette, Louisiana, (337) 593-5100.
2. Special Master - Jimmy Valmont, Individually vs. Conoco Phillips Company - Civil Action Number 2003-6343 with approximately 612 claimants known as the Conoco Release. I was appointed as Special Master to handle the allocation and distribution of monies to all claimants arising out of a chemical release at a Conoco Plant. I was appointed on March 17, 2005 by Judge Wilford D. Carter, 14<sup>th</sup> JDC, Lake Charles, Louisiana. (337) 564-6990.
3. Deputy Special Master - Bayou Sorrel Class Action - Civil Action Number: 04-1101. I was appointed as Deputy Special Master at the end of the litigation for purposes of mediation of fee disputes and claims. I was appointed on November 18, 2005 by Judge Richard T. Haik, Sr., United States District Court, Western District of Louisiana, Lafayette, Louisiana. (337)593-5100.
4. Deputy Special Master - ACTOS MDL Number 2299- In RE: Actos (Pioglitazone) Products Liability Litigation. I was appointed as Deputy Special Master to manage and oversee matters related to the Plaintiffs' Steering Committee and review all Common Benefit Time and Expense submissions by all plaintiff attorneys involving approximately 10,000 claimants. I was appointed on April 11, 2012 by Judge Rebecca F. Doherty, United States District Court, Western District of Louisiana, Lafayette, Louisiana. (337)593-5050.
5. Special Master - Lawtell Train Derailment - 27<sup>th</sup> JDC, Opelousas LA - Docket #133656 et. al. Division C. I was appointed as Special Master to handle all pre trial matters including discovery motions through the liability trial set for December, 2016 before Judge Alonzo Harris. I was appointed on April 1, 2016 by Judges Alonzo Harris, James P, Doherty, Gerard Caswell and Jason Meche., involving approximately 900 claimants. (337)948-0584.

**REPORTED DECISIONS INCLUDE:**

1. *In re Taira Lynn Marine, Ltd. No. 5, L.L.C.*, 444 F.3d 371, (5<sup>th</sup> Cir. 2006);
2. *Sqyres v. Our Lady of Lourdes Regional Medical Center, Inc.*, 954 So.2d 897, 2006-1517 (La.App. 3 Cir. 4/4/07);
3. *Caldwell ex rel. State of Louisiana v. Janssen Pharmaceutical, Inc., et al*, 2011-1184 (La.App. 3 Cir. 8/31/12), 100 So.3d 865.
4. *Succession of William A. Koch, Jr.*, Probate No. 20140504-E, 15<sup>th</sup> Judicial District Court, Parish of Lafayette

**Kenneth W. DeJean**  
**Special Master & Deputy Special Master**  
**Appointments as of June 1, 2016**

1. Special Master - Eunice Trail Derailment Class Action - Civil Action Number: 00-1267, with approximately 12,000 claimants. I was appointed as Special Master to conduct settlement negotiations, prepare allocation awards and make special case awards. I also conducted hearings on allocation appeals and inquiry into suspect claims. I was appointed on April 26, 2002 by Judge Richard T. Haik, Sr., United States District Court, Western District of Louisiana, Lafayette, Louisiana, (337) 593-5100.
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EASTERN DISTRICT OF LOUISIANA**

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**SECTION "N" (5)**

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ALL CASES**

**AFFIDAVIT OF KENNETH W. DEJEAN  
TENDERED PURSUANT TO FED. R. CIV. P. 53**

STATE OF LOUISIANA

PARISH OF LAFAYETTE

Kenneth W. DeJean, being first duly sworn according to law, states the following:

I am an attorney at law, duly licensed to practice law in the States of Louisiana and Colorado. My bar admissions are as follows:

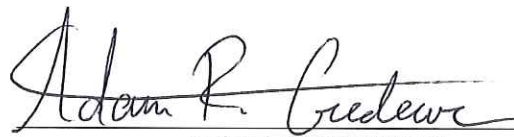
- Louisiana State Bar Association – 1976
- Colorado State Bar Association – 1989
- U.S. District Court for the Eastern District of Louisiana – 1976
- U.S. District Court for the Western District of Louisiana – 1976
- U.S. Court of Appeals for the Fifth Circuit – 1982
- U.S. Court of Appeals for the Eleventh Circuit – 1983
- U.S. Supreme Court – 1987

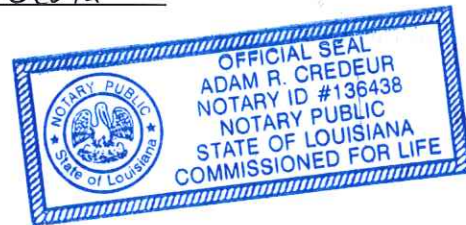
I have thoroughly familiarized myself with the issues involved in the Multi-District Litigation captioned In Re: Taxotere (Docetaxel) Products Liability Litigation 2:16-md-2740-KDE-MBN. As a result of my knowledge of that case, I attest and affirm that there are no non-

disclosed grounds for disqualification under 28 U.S.C. §455 that would prevent me from serving as Special Master in the captioned matter.

  
\_\_\_\_\_  
KENNETH W. DEJEAN

SWORN TO AND SUBSCRIBED before me, Notary Public, this 6<sup>th</sup> day of February, 2017.

  
\_\_\_\_\_  
NOTARY PUBLIC  
Name: Adam R. Credeur  
Notary Number: 136438  
My Appointment Expires: at death





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**[PROPOSED] ORDER**

[Appointment of Kenneth W. DeJean as Special Master]

On \_\_\_\_\_, 2017, this Court entered an Order advising all counsel of record of the Undersigned's intent to appoint Kenneth W. DeJean as Special Master for the purposes set forth in Section VII of the Common Benefit Order (Pretrial Order No. \_\_, R. Doc. \_\_\_\_). All parties having had notice that the Court was considering the appointment of a special master in this matter, and having had an opportunity to be heard and make suggestions and objections concerning the naming of the special master,

**IT IS ORDERED** that Kenneth W. DeJean is hereby appointed as Special Master herein, pursuant to Rule 53 of the Federal Rules of Civil Procedure;

**IT IS FURTHER ORDERED** that the Special Master shall be responsible for all purposes set forth in Section VII of the Common Benefit Order (Pretrial Order No. \_\_, R. Doc. \_\_\_\_ ) and any other duties later assigned by the Court;

**IT IS FURTHER ORDERED** that the Special Master shall be responsible for, and shall have the authority to engage appropriate support personnel to assist in carrying out his duties as Special Master;

**IT IS FURTHER ORDERED** that the Special Master may communicate *ex parte* with the Court or with the plaintiff attorneys, without providing notice to the attorneys or the parties;

**IT IS FURTHER ORDERED** that all recommendations to the Court rendered by the Special Master shall be in writing and shall be submitted to the Court;

**IT IS FURTHER ORDERED** that the Special Master's decisions will be done and reviewed in the manner described in in Section VII of the Common Benefit Order (Pretrial Order No. \_\_, R. Doc. \_\_\_\_).

**IT IS FURTHER ORDERED** that the Special Master shall maintain those records upon which he bases his recommendations at his office, which is located at 417 W. University Avenue, Lafayette, LA 70506, or on the platform established by the PSC for entry of common benefit time and expenses, and shall make those records available for inspection as provided in the Common Benefit Order;

**IT IS FURTHER ORDERED** that the Special Master shall be invested with all powers incidental to the accomplishment of his duties as outlined above;

**IT IS FURTHER ORDERED** that the Special Master shall proceed with all reasonable diligence in accomplishing the above; and

**IT IS FINALLY ORDERED** that the Special Master and his staff shall be compensated by the Plaintiffs' Steering Committee (PSC) at the following rates: Special Master Kenneth W. DeJean: \$400.00 per hour; paralegals: \$50.00 per hour, all of which charges shall be billed on a monthly basis, except that the in-state travel charges of the Special Master shall not be billed.

New Orleans, Louisiana, this \_\_\_ day of \_\_\_\_\_, 2017.

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KURT D. ENGELHARDT  
UNITED STATES DISTRICT JUDGE