

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 COMMON BENEFIT FEE APPLICANTS**

**ORDER**

On February 9, 2011, the Court issued an Order requiring objectors to the Fee Allocation Committee's recommended allocation of common benefit attorney's fees to meet and confer to select a lead and liaison counsel. The Court has received two motions related to that Order. First, from one objector requests that the Court modify its Order to provide for selection of co-lead counsel, one as to Vioxx cases brought in state courts and one as to Vioxx cases in the MDL. (Rec. Doc. 61684). Second, three attorneys retained by two objectors request that they be appointed in the roles of Liaison and Co-Lead counsel for the objectors. (Rec. Doc. 61871).

The movants for appointment state that the objectors have met and conferred and that a substantial majority of them support the appointment of Pascal F. Calogero, Jr. as Liaison Counsel for the objectors and Robert E. Arceneaux and Margaret E. Woodward as Co-Lead Counsel for the objectors. The Court has also received the attached correspondence from Mr. Arceneaux stating that the request for appointment of Co-Lead counsel for objectors who participated in state court litigation and objectors who participated in federal court litigation was fully vetted in the objectors' conference, and that it is the confirmed vote of the objectors to appoint Mr. Calogero, Mr. Arceneaux, and Ms. Woodward. The Court has received no opposition to their appointment.

Furthermore, the Court has received correspondence from Russ M. Herman, Plaintiff's Liaison Counsel and Chairman of the Fee Allocation Committee (FAC), indicating that the FAC has met and unanimously selected Mr. Herman as Liaison Counsel and Andy Birchfield and Chris Seeger as Co-Lead Counsel representing the FAC and non-objectors. Accordingly,

IT IS ORDERED that Pascal F. Calogero is appointed as Liaison Counsel for common benefit fee objectors, and Robert E. Arceneaux and Margaret E. Woodward are appointed as Co-Lead Counsel for common benefit fee objectors, without distinction to whether those objectors litigated in state or federal court.

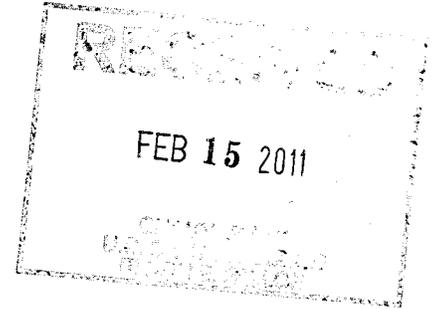
IT IS FURTHER ORDERED that Russ M. Herman is appointed as Liaison Counsel for the FAC and common benefit fee non-objectors, and Andy Birchfield and Chris Seeger are appointed as Co-Lead Counsel for the FAC and common benefit fee non-objectors.

New Orleans, Louisiana, this 16th day of February, 2011.

  
UNITED STATES DISTRICT JUDGE

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February 14, 2011



**VIA FAX (504) 589-6966 and U. S. Mail**

Hon. Eldon E. Fallon  
Section L  
United States District Court  
Eastern District of Louisiana  
500 Poydras Street, Room C456  
New Orleans, LA 70130

Re: MDL 1657 – *In re Vioxx Products Liability Litigation*

Dear Judge Fallon:

This morning I filed a Motion to Appoint Liaison and Co-Lead Counsel for the objectors identified in your order of Feb. 8, 2010. I am obliged to inform the Court of the following developments which might impact upon that Motion.

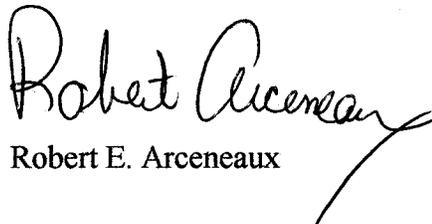
I have received a copy of a motion filed by Daniel Becnel asking that your Honor appoint two co-lead counsel, one an objector participating in state court litigation, and another objector participating in federal court litigation. I cannot respond to this motion on behalf of the objectors as a group, because I do not represent them at this time. Moreover, it appears that the Motion was never served through the court mandated File and Serve process, and so I am not in a position to file a reply to the Motion on behalf of my clients, Eric Weinberg and Cohen, Placitella and Roth. But, I should inform the Court that Mr. Becnel sent his motion to most, if not all objectors via email on February 10, 2011, and raised the issue in our telephone conference. The issue was fully vetted during our discussions, and the selections of lead and liaison counsel reflected in my Motion were the result.

Thereafter, an issue was raised as to whether my Motion accurately reflected the decision of all those objectors who participated in the phone conferences, or who registered their wishes by e-mail. Accordingly, I re-polled the objectors, and report to you that a substantial majority of the firms have reaffirmed their vote, and indicated to me in e-mail or by phone that my motion accurately reflects what transpired at the conferences, and still represents their wishes.

Hon. Eldon Fallon  
January 24, 2011  
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Thanking you for your consideration in this matter, I am,

Respectfully,

  
Robert E. Arceneaux

cc (via e-mail): Daniel Becnel