

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

UNITED STATES DISTRICT COURT

2008 SEP 24 PM 2: 55

EASTERN DISTRICT OF LOUISIANA

LORETTA G. WHYTE

IN RE: PROPULSID PRODUCTS
LIABILITY LITIGATION

MDL DOCKET NO. 1535 *m*

SECTION L

JUDGE FALLON

MAGISTRATE JUDGE ROBY

THIS DOCUMENT RELATES TO ALL CASES

MOTION FOR REIMBURSEMENT OF COSTS FOR COMMON BENEFIT TO THE CLASS AND COMMITTEE AND MEMORANDUM IN SUPPORT THEREOF

APPEARING HEREIN, through undersigned counsel, comes Robert J. Caluda and A.J. Rebennack ("Movers"), attorneys licensed to do and doing business in the Parish of Jefferson, State of Louisiana, who with respect represent the following:

Movers expended \$46,925.68 in costs and expenses in the handling of the *Daubert* proceedings in this case which involved the *Daubert* Motion and Hearing on issues of the effects of Propulsid on the heart during and after usage.

These scientific issues and findings profoundly affected the course of this litigation and its ultimate settlement. Documentation for movers has previously been filed into the record and sent to Mr. Russ Herman, Plaintiff Liaison Counsel.

Had not the undersigned conducted the necessary months of work at a large monetary cost, the Plaintiff Steering Committee would have necessarily had to perform same at their own time and cost. The Plaintiff Steering Committee relied on the work and used the work and results in their resolution of the case. This was obviously common benefit. Subsequent to the *Daubert* ruling and without another, the class action was settled.

WHEREFORE, Movers, Robert J. Caluda and A.J. Rebennack move that they be

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___ CtRmDep _____
___ Doc. No _____

reimbursed for their expended costs in the handling of the *Daubert* proceeding as it was clearly common to the Class and the Plaintiff Steering Committee. Counsels do not seek a common benefit attorney fee but merely wish to have their costs reimbursed.

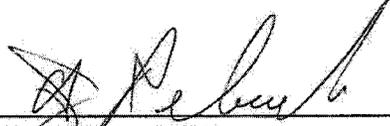
Respectfully submitted,

s/A.J. Rebennack

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all counsel of record by placing same in the United States mail, properly addressed and first class postage prepaid, this 5th day of August, 2008.



A.J. REBENNACK