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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: INCRETIN MIMETICS ) MDL Case No.13md2452 AJB (MDD)  
PRODUCTS LIABILITY )  
LITIGATION, ) As to all related and member cases  
 )  
 ) ORDER APPOINTING A  
 ) PLAINTIFFS' STEERING  
 ) COMMITTEE

Presently before the Court is the designation of Plaintiffs' Co-Lead Counsel, Co-Liaison Counsel, Executive Committee, and Steering Committee. Defendants have no objection. Following the October 17, 2013 Status Conference, the Court enters the following Order:

1. To act on behalf of Plaintiffs, the Court hereby appoints:

**PLAINTIFFS' CO-LEAD COUNSEL**

Ryan L. Thompson  
WATTS GUERRA LLP  
5250 Prue Rd., Ste. 525  
San Antonio, Texas 78240  
Phone: (210) 448-0500  
Fax: (210) 448-0501  
Email: RThompson@WattsGuerra.com

Hunter J. Shkolnik  
NAPOLI, BERN, RIPKA & SHKOLNIK LLP  
350 Fifth Avenue  
New York, New York 10018  
Phone: (212) 267-3700  
Fax: (212) 587-0031  
Email: Hunter@NapoliBern.com

1 Tor Hoerman  
TOR HOERMAN LAW, LLC  
2 101 W. Vandalia Street, Suite 350  
Edwardsville, Illinois 62025  
3 Phone: (618) 656-4400  
Fax: (618) 656-4401  
4 Email: THoerman@torhoermanlaw.com

5 **PLAINTIFFS' EXECUTIVE COMMITTEE**

6 John M. Restaino  
THE RESTAINO LAW FIRM  
7 283 Columbine Street, Suite 169  
Denver, Colorado 80206  
8 Phone: (720) 924-2006  
Fax: (720) 221-0449  
9 Email: jRestaino@restainolawfirm.com

10 Neil D. Overholtz  
AYLSTOCK, WITKIN, KREIS & OVERHOLTZ  
11 17 E. Main Street, Suite 200  
Pensacola, Florida 32502  
12 Phone: (850) 202-1010  
Fax: (850) 916-7449  
13 Email: NOverholtz@awkolaw.com

14 Nicholas J. Drakulich  
THE DRAKULICH FIRM  
15 2727 Camino del Rio South, Suite 322  
San Diego, California 92108  
16 Phone: (858) 755-5887  
Fax: (858) 755-6456  
17 Email: njd@draklaw.com

18 Michael K. Johnson  
JOHNSON BECKER, PLLC  
19 33 South Sixth Street, Suite 4530  
Minneapolis, MN 55402  
20 Phone: (612) 436-1802  
Fax: (612) 436-1801  
21 Email: mjohnson@johnsonbecker.com

22 Plaintiffs' Co-Lead Counsel shall be a member of and direct the work of the  
23 Plaintiffs' Steering Committee. In this regard, Plaintiffs' Co-Lead Counsel shall be  
24 responsible for coordinating the activities of plaintiffs during pretrial proceedings and in  
25 consultation and with the assistance of Plaintiff's Executive Committee, shall:

26 A. Determine and present (after consultation with other members of Plaintiffs'  
27 Steering Committee), by briefs, oral argument, or such other fashion as may  
28 be appropriate, personally or by a designee, to the Court and opposing

1 parties, the position of the plaintiffs on all matters arising during pretrial  
2 proceedings;

- 3 B. Coordinate the initiation and conduct of discovery on behalf of plaintiffs  
4 consistent with the requirements of the Federal Rules of Civil Procedure  
5 relating to discovery or any other subsequent Order of this Court;
- 6 C. Conduct settlement negotiations on behalf of plaintiffs, but not enter binding  
7 agreements except to the extent expressly authorized;
- 8 D. Delegate specific tasks to other counsel in a manner to ensure that pretrial  
9 preparation for the plaintiffs is conducted effectively, efficiently and eco-  
10 nomically;
- 11 E. Enter into stipulations with opposing counsel as necessary for the conduct of  
12 the litigation;
- 13 F. Prepare and distribute to other Plaintiff's counsel periodic status reports;
- 14 G. Maintain adequate time and disbursement records covering services of  
15 designated counsel and establish guidelines for approval by the Court as to  
16 the keeping of time records and expenses;
- 17 H. Monitor the activities of co-counsel to ensure that schedules are met and  
18 unnecessary expenditures of time and funds are avoided;
- 19 I. Perform such other duties as may be incidental to proper coordination of  
20 plaintiffs' pretrial activities or authorized by further Order of the Court; and
- 21 J. Submit, if appropriate, additional committees and counsel for designation by  
22 the Court.

23 2. To act on behalf of plaintiffs, the Court hereby designates the following as:  
24

25 **CO-LIAISON COUNSEL**

26 Michael S. Berg  
27 Law Offices of Michael S. Berg  
28 401 West A Street, Suite 2600  
San Diego, CA 92101  
Phone: (619) 239.2186  
Fax: (619) 237-1310  
Email: Michael@criminallaw.com

1 Gayle M. Blatt  
2 CASEY, GERRY, SCHENK, FRANCA-VILLA, BLATT & PENFIELD LLP  
3 110 Laurel Street  
4 San Diego, CA 92101  
5 Phone: (619) 238-1811  
6 Fax: (619) 544-9232  
7 Email: gmb@cglaw.com

8 Co- Plaintiffs' Liaison Counsel shall:

- 9 A. Maintain and distribute to all other plaintiffs' counsel and to defendants'  
10 counsel an up-to-date service list;
- 11 B. On behalf of all counsel for all plaintiffs, receive from defendants, the Court,  
12 and third parties, and as appropriate, distribute to all other plaintiffs' counsel  
13 the following: written and electronic communications from the Court,  
14 defendants, and third parties; pleadings; Orders from the Court; and discov-  
15 ery and documents from defendants and third parties; and
- 16 C. Maintain and make available to all other plaintiffs' counsel at reasonable  
17 hours a complete file of all documents served by or upon each party, and  
18 establish and maintain an electronically accessible document depository.

19 3. To act on behalf of plaintiffs, the Court hereby designates the following as the  
20 Plaintiffs' Steering Committee:

21 **PLAINTIFFS' STEERING COMMITTEE**

22 Ramon R. Lopez  
23 LOPEZ MCHUGH, LLP  
24 100 Bayview Circle, Suite 5600  
25 Newport Beach, California 92660  
26 Phone: (949) 737-1501  
27 Fax: (949) 737-1504  
28 Email: rlopez@lopezmchugh.com

29 Thomas J. Preuss  
30 WAGSTAFF & CARTMELL LLP  
31 4740 Grand Avenue, Suite 300  
32 Kansas City, MO 64112  
33 Phone: (816) 701-1168  
34 Fax: (816) 531-2372  
35 Email: tjpreuss@wcllp.com

1 Maxwell S. Kennerly  
THE BEASLEY FIRM  
2 1125 Walnut St.  
Philadelphia, PA 19107  
3 Phone: (215) 931-2634  
Fax: (215) 592-8360  
4 Email: max.kennerly@beasleyfirm.com

5 Stephen B. Murray, Jr.  
MURRAY LAW FIRM  
6 650 Poydras Street, Suite 2150  
New Orleans, LA 70130  
7 Phone: (504) 584-5231  
Fax: (504) 584.5249  
8 Email: smurrayjr@murray-lawfirm.com

9 Michael Goetz  
MORGAN & MORGAN, P.A.  
10 One Tampa City Center, 17th Floor  
201 N. Franklin Street  
11 Tampa, Florida 33602  
Phone: (813) 221-6581  
12 Fax: (813) 222-4737  
Email: MGoetz@forthepeople.com

13 Neal L. Moskow  
14 URY & MOSKOW, LLC?  
883 Black Rock Turnpike?  
15 Fairfield, Connecticut 06825?  
Phone: (203) 610-6393?  
16 Fax: (203) 610-6399  
Email: neal@urymoskow.com

17 Julia Reed Zaic  
18 HEAVISIDE REED ZAIC  
312 Broadway Street, Suite 203  
19 Laguna Beach, CA 92651  
Phone: (949) 715-5120  
20 Fax: (949) 715-5123  
Email: julia@hrzlaw.com

21 Paul D. Stevens  
22 MILSTEIN ADELMAN, LLP  
2800 Donald Douglas Loop North  
23 Santa Monica, CA 90405  
Phone: (310) 396-9600 ext. 184  
24 Fax: (310) 396-9635  
Email: pstevens@milsteinadelman.com

25 James R. "Tripp" Segars, III  
26 DIAZ LAW FIRM, PLLC  
208 Waterford Square, Suite 300  
27 Madison, MS 39110  
Phone: (601) 607.3456  
28 Fax: (601) 607.3393  
Email: tripp@msattorneys.com

1 Keith Altman  
2 THE LAW OFFICE OF KEITH ALTMAN  
3 32250 Calle Avella  
4 Temecula, CA 92592  
5 Phone: (516) 456-5885  
6 Email: kaltman@lawampmmt.com

7 Jacob W. Plattenberger  
8 TOR HOERMAN LAW, LLC  
9 234 S. Wabash, 7th Floor  
10 Chicago, IL 60604  
11 Phone: (312) 372-4800  
12 Fax: (312) 284-4914  
13 Email: jplattenberger@torhoermanlaw.com

14 Robert A. Mosier  
15 PHILLIPS GROSSMAN PLLC  
16 100 Herricks Road  
17 Mineola, NY 11501  
18 Phone: (516) 741-5600  
19 Fax: (516) 741-0128  
20 Email: Rmosier@thesandersfirm.com

21 Michael S. Love  
22 Ridenour, Hinton & Lewis  
23 201 N. Central Ave., Suite 3300  
24 Phoenix, Arizona 85004  
25 Phone: (602) 744-5726  
26 Fax: (602) 254-9900  
27 Email: mlove@rhlfirm.com

28 4. To act on behalf of Plaintiffs, the Court hereby designates the following as:

**STATE AND FEDERAL COURT LIAISON**

19 Marc J. Bern  
20 NAPOLI, BERN, RIPKA & SHKOLNIK LLP  
21 350 Fifth Avenue  
22 New York, New York 10018  
23 Phone: (212) 267-3700  
24 Fax: (212) 587-0031  
25 Email: MJBern@NapoliBern.com

26 IT IS SO ORDERED.

27 DATED: October 17, 2013

28   
Hon. Anthony J. Battaglia  
U.S. District Judge