

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION

MDL No. 1871
07-md-01871

THIS DOCUMENT APPLIES TO:
ALL ACTIONS

PRETRIAL ORDER NO. 204

AND NOW, this 16th day of September 2013, upon consideration of the request by the Administrator of the Avandia Litigation Common Benefit Fund, Andrew A. Chirls, for payment of \$8113.72 to the Administrator, pursuant to PTO 70, for services and costs recorded in March, April, and May 2013, which request is unopposed by the Chairperson of the Fee and Cost Allocation Committee, and finding that the work and fees reflected therein were reasonably necessary for the fulfillment of the Administrator's duties, it is hereby **ORDERED** that the application for fees is **APPROVED** in full. Administrator Andrew A. Chirls is **AUTHORIZED** to **WITHDRAW** \$8113.72 from the Avandia Litigation Common Benefit Fund for the purpose of paying Hines & Associates for professional services and expenses.

It is so **ORDERED**.

BY THE COURT:


CYNTHIA M. RUFÉ, J.



Dedicated to the Practice of Relationships

PHILADELPHIA OFFICE

Mellon Bank Center
1735 Market Street, Suite 600
Philadelphia, PA 19103
(215) 893-9300
Fax: (215) 893-8719

NEW JERSEY OFFICE

20 Brace Road, Suite 350
Cherry Hill, NJ 08034
(856) 795-1118
Fax: (856) 795-1110

ANDREW A. CHIRLS

Direct Dial: (215) 893-8715
achirls@finemanlawfirm.com

Please Reply to Philadelphia Office

September 4, 2013

The Honorable Cynthia M. Rufe
United States District Court, Eastern District of
Pennsylvania
James A. Byrne U.S. Courthouse
601 Market Street, Suite 12614
Philadelphia, PA 19106-1797

RE: ***Avandia Marketing, Sales Practices and Products Liability Litigation,***
MDL No. 1871

Dear Judge Rufe:

I am writing in my capacity as Administrator of the Avandia Litigation Common Benefit Fund. Pretrial Order No. 70 established the Fund. The last paragraph of Section 1 of PTO 70 authorizes me to be paid reasonable fees from the assets of the Fund as approved by the Court. I am enclosing a statement outlining services and costs recorded by Haines & Associates through the end of May, 2013.

Ms. Nast, as Chairperson of the Fee and Cost Allocation Committee, and GSK's counsel authorize me to state that they have no objection to payment of the amount set forth in the statement: \$8,113.72.

At the request of GSK, there is one redaction relating to a settlement amount.

If the Court is agreeable to payment of the amount stated on this statement from the Common Benefit Fund, I ask for authorization to withdraw it from the Common Benefit Fund for purposes of paying Haines & Associates.

Respectfully,

A handwritten signature in black ink, appearing to read 'A. Chirls', written over the typed name 'ANDREW A. CHIRLS'.

ANDREW A. CHIRLS

AAC/jgm

Enc.

cc: Dianne M. Nast, Esquire (with enclosure)(by email/.pdf)
Kenneth Zucker, Esquire (with enclosure) (by email/.pdf)

{00712722;v1}

HAINES & ASSOCIATES
 1835 Market Street
 Suite 2420
 Philadelphia, PA 19103
 215-246-2200

Tax I.D. No. 83-0384937

Avandia Common Benefit Fund

Page: 1
 06/30/2013
 150-00H
 Invoice No: 2599

Re: Administration of Fund

Services Rendered

03/04/2013 AC	Review recent orders; track and catalog recent payments; handle payments ordered by court; discuss held costs and their application against the reserve fund	1.30	617.50
03/05/2013 AC	Track, catalog recent payments; handle payment in PTO 188	0.20	95.00
03/12/2013 AC	Review corr. re: partial payment in bankruptcy case	0.30	142.50
03/15/2013 AC	Review recent payments and orders	0.20	95.00
03/20/2013 AC	Discuss status of CBF issues w/ GSK, deal with information re: several payments in and information flow re: sources of payments	0.40	190.00
03/22/2013 AC	Track recent payments, corr. w/ GSK	0.20	95.00
03/26/2013 AC	Track recent payments and corr. re: bankruptcy payments; brief report on likelihood of distribution after first quarter	0.30	142.50
04/01/2013 AC	Quarterly report to court (1.0); begin reconciliation of account statements w/ GSK reports (1.0); report re: balance and payment prospects w/ PSC (0.3)	2.30	1,092.50
04/02/2013 AC	Finish reconciliation of March accounts	0.60	285.00

Avandia Common Benefit Fund

Page: 2
06/30/2013
150-00H
2599

Invoice No:

Re: Administration of Fund

04/04/2013	AC	Emails to and from GSK counsel reconciling payments and sources	0.20	95.00
04/11/2013	AC	Look into receipt of possible double receipt of <i>redacted</i> and finish reconciliation of electronic and paper statement (1.1); handle fulfillment of PTOs 177 and 190 (0.2)	1.30	617.50
04/12/2013	DJD	W-9/Wiring Information and Instructions for Patrick Juneau/Juneau David. Indexed and logged new Wiring Instructions and Banking Information. Correspondence to Huntington National Bank regarding payments.	1.40	217.00
	AC	Register changed wiring instructions; respond to inquiry re: recent payment in; review and discuss double receipt in February	0.40	190.00
04/15/2013	AC	Track recent payments	0.10	47.50
04/16/2013	AC	Inquiry from common benefit attorney; tend to PTO 195.	0.30	142.50
	DJD	Sent letter and check.	0.20	31.00
04/17/2013	AC	Respond to attachment/garnishment interrogatories and writ; email exchange with judgment debtor/common benefit attorney; call w/ creditor's attorney	0.80	380.00
04/18/2013	AC	emails from judgment garnishee common benefit attorney (0.2); track recent payment (0.1) ; emails re: recent rulings (0.2)	0.50	237.50
04/19/2013	AC	Email to Common Benefit Attorney putative judgment debtor's counsel about garnishment (0.4); draft answers to interrogatories in garnishment (0.1); handle double payment from one of the creditors (0.3)	0.80	380.00
04/23/2013	AC	Track recent payment; brief discussion w/ PFC re: double payment and impending disagreement about amount of application of Common Benefit Fund assessment; motion for return of double payment	0.80	380.00
04/25/2013	AC	Additional discussions re: duplicate receipt w/ GSK counsel and emails following up and setting off against next receipt; track recent payments.	0.50	237.50

Avandia Common Benefit Fund

Invoice No:

Re: Administration of Fund

DJD	Drafted/Finalized a motion. Drafted a proposed order on behalf of the administrator.	1.00	155.00
04/26/2013 AC	Calls w/ lawyer for Common Benefit Attorney against whom lien has been placed; memo to him	0.40	190.00
05/01/2013 AC	Corr. re: double payment reconciliation; respond to query from Comm. Benefit Attorney	0.30	142.50
05/02/2013 AC	April reconciliation and tallies	0.90	427.50
05/06/2013 AC	Corr. re: monthly recap from GSK counsel;	0.20	95.00
05/07/2013 AC	Check monthly statement; look into payments to Juneau firm	0.20	95.00
05/08/2013 AC	Begin review of tax return; catalog and report on recent payments, and email re: unreported November payments	0.50	237.50
05/09/2013 AC	Begin response to PTO 197; track and catalog recent payments; look into November 2012 payments said to be sent but not recorded by custodian	0.60	285.00
05/14/2013 AC	Call and email w/ garnishment Common Benefit Attorney; compliance w/ PTO 197 payment requirements	0.30	142.50
05/15/2013 AC	Various calls and emails re: reconciliations with Garretson Group and tracking of certain funded settlements; discuss tax issues w/ E. Radetich	0.60	285.00
05/20/2013 AC	Call w/ Garretson compliance officer and settlement administrator (0.4); compliance w/ PTO 198 (0.1)	0.50	237.50
05/21/2013 AC	Track payments; inquiries from common benefit attorneys	0.20	95.00
	For Current Services Rendered	18.80	8,098.00

Fee Summary

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Dion J Dacons	2.60	\$155.00	\$403.00

Avandia Common Benefit Fund

Invoice No:

Re: Administration of Fund

<u>Timekeeper</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Andrew Chirls	16.20	475.00	7,695.00
 <u>Costs</u> 			
03/11/2013	Postage		0.00
03/12/2013	Postage		0.00
03/26/2013	Photocopy Charges		10.35
04/16/2013	Postage		1.38
04/18/2013	Postage		0.00
04/18/2013	Postage		0.00
04/23/2013	Postage		2.64
05/29/2013	Photocopy Charges		1.35
	Total Costs Incurred		<u>15.72</u>
	Total Fees and Costs		8,113.72
	Balance Due Upon Receipt		<u>\$8,113.72</u>