

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
: :
MIRENA IUS LEVONORGESTREL-RELATED : :
PRODUCTS LIABILITY LITIGATION (NO. II) : :
: :
This Document Relates to All Actions : :
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17-MD-2767 (PAE)
17-MC-2767 (PAE)
ORDER NO. 4

**ORDER REGARDING APPOINTMENTS
TO PLAINTIFFS' LEADERSHIP POSITIONS**

PAUL A. ENGELMAYER, District Judge:

The Court has received applications for plaintiffs' leadership positions, and two letters from Temporary Plaintiffs' Counsel ("TSC") regarding this subject: one setting forth the collected views of plaintiffs' counsel regarding leadership structure (Dkt. 9) and another, filed *ex parte*, setting forth the near-unanimous views of plaintiffs' counsel as to particular appointments. The Court also received a letter from counsel for the defendants setting forth defendants' perspective on the proposed leadership structure.

Having carefully reviewed all of the submissions, and having entertained discussion of the proposed leadership structure during this Court's initial case management conference of June 13, 2017, and there being no opposition from counsel for any known plaintiff, the Court hereby makes the following appointments.

The Court appoints the following as plaintiffs' Co-Lead and Liaison Counsel:

- Lawrence L. Jones II (Jones Ward PLC): Plaintiffs' Co-Lead Counsel
- Martin Crump (Davis & Crump P.C.): Plaintiffs' Co-Lead Counsel
- Max Kennerly (Kennerly Loutey LLC): Plaintiffs' Liaison Counsel.

The Court appoints the following six persons as plaintiffs' Executive Committee members:

Leslie LaMacchia (Pulaski Law Firm)

Pete Miller (Miller Dellafera PLC)

Christina Natale (Jones Ward PLC)

Roger Orlando (The Orlando Firm)

Kathryn Snapka (Snapka Law Firm)

Elise Sanguinetti (Arias Sanguinetti Stahle & Torrijos LLP)

The Court has issued this appointment order now to enable the parties to move forward with this litigation. The Court intends to issue an order delineating the specific responsibilities attendant to each of the above positions. For avoidance of doubt, and to govern these roles pending issuance of such an order, the Court envisions that co-lead and liaison counsel will have the responsibilities substantially as articulated by Judge Seibel for those positions in her appointment order in *In Re Mirena IUD Products Liability Litigation No. II ("Mirena I")*, 13-MD-2434 (CS), *see Mirena I*, Order No. 5 (July 10, 2013), at 2-4, which responsibilities are consistent with the guidance in MCL 4th Section 10.221 (as to the responsibilities of lead counsel) and Section 10.22 (responsibilities of liaison counsel). The Court further envisions that plaintiffs' Executive Committee will have the responsibilities substantially as articulated by Judge Seibel for the leadership committee in that case, which in *Mirena I* was termed the Steering Committee. *See Mirena I*, Order No. 5, at 4-5.

Plaintiffs' TSC separately proposes that an additional nine-lawyer "Steering Committee" be constituted here. As proposed, the Steering Committee's members would, first, serve on, or chair, various committees and subcommittees; and, second, be available to assist in litigating this

case depending on the demands of this litigation as it develops. The Court's view is that a Steering Committee is properly constituted for the second of these purposes but not the first. The Court is unpersuaded that there is a need for court appointment of an additional nine lawyers to supervisory roles. The Court is, however, persuaded that there is value to designating additional lawyers as members of a Steering Committee so as to assure their and their law firms' availability for service if the scale of litigation work demanded by this MDL comes to outstrip the capacity of the law firms at which plaintiffs' Lead Counsel, Liaison Counsel, and Executive Committee members work. For this limited purpose, the Court appoints the following seven lawyers to a Steering Committee:

Beth Chambers (Cory Watson)

Rich Hood (The Hood Law Firm)

Dave Langevin (McSweeney/Langevin)

Kim Loutey (Kennerly & Loutey)

Todd Matthews (Gori, Julian & Associates, P.C.)

Jennifer Orendi (Dalimonte Rueb Litigation Group, LLP)

Mark Zamora (Mark Zamora, Esq.).¹

Finally, plaintiffs propose appointment of a three-lawyer Settlement Committee. The Court is unpersuaded at present of the need for such a court-appointed body.


To assure that the Court's order as to the responsibilities of plaintiffs' counsel and the protocols governing their work are clear and are aptly tailored to the needs of this case, the Court directs plaintiffs' Co-Lead Counsel to file a proposed order setting out the specific

¹ The additional two lawyers whom the TSC proposed serve on the Steering Committee work at law firms already represented by a Co-Lead Counsel or a member of the Executive Committee.

responsibilities of each position and the protocols governing common benefit work. The Court expects that this order will substantially track, and cover all topics addressed in, Judge Seibel's order addressing these matters in *Mirena I*, while recognizing that considerations particular to this MDL may justify modifications. *See Mirena I*, Order No. 5, at 2-15 & Addendum A.² **This proposed order is due Monday, June 26, 2017.** The Court directs plaintiffs' Co-Lead Counsel to confer with defendants' lead counsel by Thursday, June 22, 2017, about the text and terms of the proposed order, so as, ideally, to assure that the proposed order reflects all parties' views. Plaintiffs' June 26, 2017 submission is to state whether defendants agree to the proposed order; if defendants do not, they may submit a letter, due Wednesday, June 28, 2017, setting forth their views and proposed modifications.

SO ORDERED.

Dated: June 16, 2017
New York, New York



PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE

² Pending issuance of such an order in this case, the protocols set out in Judge Seibel's Order No. 5 will apply here.