

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

CASE NO. 1:17-MD-2804

**THIS DOCUMENT RELATES TO:
“New Mexico Cases”**

)
) **David R. Cohen**
) **Randi S. Ellis**
) **Hon. David R. Herndon**
)
) **FEE PANEL ORDER NO. 15**
) **REGARDING BACK-STOP**
) **FUNDS IN THE STATE OF**
) **NEW MEXICO**

The MDL Court earlier entered the “Back-Stop Order,” which provides that the Fee Panel will become authorized “to allocate and disburse payments for attorney fees from State Back-Stop funds to eligible counsel” if “a representative from the Attorney General’s Office and 100% of Contact Counsel in that State” so agree. *See* docket no. 4543 at 1, 2 (footnote omitted).

The Fee Panel hereby provides notice that all conditions have been met for the Back-Stop Order to take effect in the State of New Mexico. *See id.* at 2 (“the Fee Panel shall enter an order announcing its receipt of all [required] forms and the applicability of this Order in that State.”). Accordingly, consistent with the Back-Stop Order, the Fee Panel now has oversight authority over the State Back-Stop funds in the State of New Mexico, and will take prompt action to allocate and disburse those funds.

In addition, the Back-Stop Order provides that “[a]ny fees, costs, and expenses incurred by the Fee Panel, Joseph Tann, or The Huntington National Bank shall be paid from the State Back-Stop funds. To the fullest extent possible, the Fee Panel, Joseph Tann, and The Huntington National Bank shall endeavor to allocate fees and expenses to each State where the work is performed and the costs incurred concerning a specific State shall be paid from that specific

State's State Back-Stop fund." *Id.* at 6. Accordingly, the Fee Panel hereby deems it necessary and appropriate to withhold 1.5% of each Back-Stop fund payment to counsel for administrative expenses incurred by the Fee Panel and its agents and representatives. The Fee Panel will draw on the Administrative Expense Account as expenses are incurred. Any unused funds from the Administrative Expense Account remaining at the end of the distribution period will be awarded pro rata to Fund participants prior to the closure of the Fund.

IT IS SO ORDERED.

/s/ **David R. Cohen**
Randi S. Ellis
David R. Herndon
FEE PANEL

Dated: December 8, 2022