

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: DEPUY ORTHOPAEDICS,
INC., PINNACLE HIP IMPLANT
PRODUCTS LIABILITY
LITIGATION

MDL Docket No.
3:11-MD-2244-K

THIS DOCUMENT RELATES TO:
ALL CASES

**AGREED ORDER AMENDING EXHIBIT A TO THE PINNACLE
HIP IMPLANT COMMON BENEFIT TRUST ACCOUNT**

On July 22, 2019, this Court entered an Order Establishing the Pinnacle Hip Implant Common Benefit Trust Account. Doc. 1032. Pursuant to the Order, a Fund Administrator was appointed to perform such duties necessary to administer the Fund, “pursuant to the terms, conditions, indemnifications, and restrictions described” in the Plaintiffs’ Executive Committee’s (“PEC”) accompanying motion and exhibits. As described and originally approved, payment to the Fund Administrator was to be made from an interest income derived by the Fund and dictated by Article VII of the Qualified Settlement Fund Agreement.

The PEC now advises the Court that it is in the best interest of the trust to amend Article VII of the Qualified Settlement Fund Agreement to allow a flat fee payment to the Fund Administrator as an alternative to payment based on interest

income derived by the Fund. The PEC suggests replacing Article VII with the following language:

For services performed as QSF Administrator, the initial QSF Administrator may be reimbursed for expenses, including check and bank costs, mail and printing costs, and travel expenses, reasonably required and incurred by such QSF Administrator in the performance of its duties as QSF Administrator. The QSF Administrator shall retain fifty basis points (50 bps) of any interest earned by the Fund or one thousand seven hundred fifty dollars (\$1,750.00) per month, whichever is greater, as payment for treasury management, tax preparation and filing, quarterly and annual tax payments, general administration services including, without limitation, the fees and costs associated with investment advisors, accountants, agents, managers, attorneys, actuaries, auditors, or insurers, which are incurred to maintain and administer the Fund, which shall be payable from the Fund on a monthly basis. Any successor QSF Administrator approved by Order of the Court shall receive payment for its services in accordance with its schedule of rates in effect at the time such compensation becomes payable. Such compensation may be paid without additional Court approval. Payment for such services will be made from Fund assets.

Being advised that Defendant does not object, the Court hereby enters an Order approving an Amended Exhibit A to the Common Benefit Trust Account to replace the language in Section VII with the language provided above.

SO ORDERED.

Signed May 25th, 2022.



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UNITED STATES DISTRICT JUDGE