

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division**

In re:)	
SILICONE GEL BREAST)	
IMPLANT PRODUCTS)	Master File No.
LIABILITY LITIGATION)	CV-92-P-10000-S
(MDL-926))	

**ORDER NO. 32
(Designation of Special Master and Advisory Committee
Re: Plaintiffs' Litigation Expense Fund Disbursements)**

This Order supplements Order No. 13, entered on July 23, 1993 (as extended by Order No. 27, entered on December 22, 1995), which established a Plaintiffs' Litigation Expense Fund to provide for fair and equitable payment for services performed and expenses incurred by attorneys acting for the common benefit of all plaintiffs and claimants in this complex multi-district litigation. In accordance with the provisions of Orders Nos. 13 and 27, payments have been made, and will be made in the future, into the Order No. 13 Fund. Because of the implementation of the Bristol-Myers, Baxter, 3M, McGhan, and Union Carbide sponsored Revised Settlement Program, there should be continuing payments into that Fund in the future, and, in addition, there should be other payments resulting from settlement or trial of opt-out claims. Although it appears unlikely at the present time that payments into this Fund will generate sufficient funds to adequately reimburse all "common benefit attorneys" for all work done and expenses incurred for the benefit of all plaintiffs, it is now appropriate to establish fair procedures for the disbursement of such funds as may be available for that purpose.

1. Pursuant to Federal Rule of Civil Procedure 53 and in the exercise of the Court's general powers and responsibilities over class action settlements, the Court hereby appoints, effective July 9, 1996, Judge Frank Andrews of Dallas, Texas, to serve as a Special Master to advise the Court generally and specifically as to procedures to be followed and actual disbursements which should be made from the Fund as reimbursement and payment to "common benefit attorneys." (See *Manual for Complex Litigation Third*, § 24.23)

The Special Master will receive compensation (presently set at \$200.00 per hour) and reimbursements for expenses as directed by the Court. Payments will be made from the Order No. 13 Fund or from such other sources as may be directed in the future by the Court. In addition, the actions of the Special Master (and the employees or agents of the Special Master) in carrying out the duties

established by this and any subsequent orders will constitute judicial actions of this Court and be protected, to the maximum extent allowable by law, by the doctrine of judicial immunity.

2. The following persons are hereby appointed to serve as a Disbursement Review Advisory Committee to consult with the Special Master in carrying out the duties of the Special Master as are established by this order or by any subsequent order:

Elizabeth Cabraser
Bill Colvin
Rick Ellis
Sybil Goldrich
LeRoy Hersh
Ernie Hornsby
Dianne Nast

The Special Master is further explicitly allowed to (and is expected to) consult with such other persons as he may choose in carrying out his duties. The members of the Disbursement Review Advisory Committee may be reimbursed their expenses and be compensated in accordance with the procedures ultimately adopted by the Court with the advice of the Special Master.

The Court reserves the power to modify the terms of this order.

This the 13th day of June, 1996.

/s/ Sam C. Pointer, Jr.
Sam C. Pointer, Jr.
United States District Judge