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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: INCRETIN MIMETICS PRODUCTS LIABILITY LITIGATION,  <hr/>	) ) ) ) )	MDL Case No.13md2452 AJB (MDD) As to all related and member cases  ORDER APPOINTING A PLAINTIFFS' STEERING COMMITTEE
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Presently before the Court is the designation of Plaintiffs' Co-Lead Counsel, Co-Liaison Counsel, Executive Committee, and Steering Committee. Defendants have no objection. Following the October 17, 2013 Status Conference, the Court enters the following Order:

1. To act on behalf of Plaintiffs, the Court hereby appoints:

**PLAINTIFFS' CO-LEAD COUNSEL**

Ryan L. Thompson  
WATTS GUERRA LLP  
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Hunter J. Shkolnik  
NAPOLI, BERN, RIPKA & SHKOLNIK LLP  
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1 Tor Hoerman  
TOR HOERMAN LAW, LLC  
2 101 W. Vandalia Street, Suite 350  
Edwardsville, Illinois 62025  
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5 **PLAINTIFFS' EXECUTIVE COMMITTEE**

6 John M. Restaino  
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7 283 Columbine Street, Suite 169  
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8 Phone: (720) 924-2006  
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9 Email: jRestaino@restainolawfirm.com

10 Neil D. Overholtz  
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11 17 E. Main Street, Suite 200  
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12 Phone: (850) 202-1010  
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14 Nicholas J. Drakulich  
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15 2727 Camino del Rio South, Suite 322  
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16 Phone: (858) 755-5887  
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18 Michael K. Johnson  
JOHNSON BECKER, PLLC  
19 33 South Sixth Street, Suite 4530  
Minneapolis, MN 55402  
20 Phone: (612) 436-1802  
Fax: (612) 436-1801  
21 Email: mjohnson@johnsonbecker.com

22 Plaintiffs' Co-Lead Counsel shall be a member of and direct the work of the  
23 Plaintiffs' Steering Committee. In this regard, Plaintiffs' Co-Lead Counsel shall be  
24 responsible for coordinating the activities of plaintiffs during pretrial proceedings and in  
25 consultation and with the assistance of Plaintiff's Executive Committee, shall:

- 26 A. Determine and present (after consultation with other members of Plaintiffs'  
27 Steering Committee), by briefs, oral argument, or such other fashion as may  
28 be appropriate, personally or by a designee, to the Court and opposing

1 parties, the position of the plaintiffs on all matters arising during pretrial  
2 proceedings;

3 B. Coordinate the initiation and conduct of discovery on behalf of plaintiffs  
4 consistent with the requirements of the Federal Rules of Civil Procedure  
5 relating to discovery or any other subsequent Order of this Court;

6 C. Conduct settlement negotiations on behalf of plaintiffs, but not enter binding  
7 agreements except to the extent expressly authorized;

8 D. Delegate specific tasks to other counsel in a manner to ensure that pretrial  
9 preparation for the plaintiffs is conducted effectively, efficiently and eco-  
10 nomically;

11 E. Enter into stipulations with opposing counsel as necessary for the conduct of  
12 the litigation;

13 F. Prepare and distribute to other Plaintiff's counsel periodic status reports;

14 G. Maintain adequate time and disbursement records covering services of  
15 designated counsel and establish guidelines for approval by the Court as to  
16 the keeping of time records and expenses;

17 H. Monitor the activities of co-counsel to ensure that schedules are met and  
18 unnecessary expenditures of time and funds are avoided;

19 I. Perform such other duties as may be incidental to proper coordination of  
20 plaintiffs' pretrial activities or authorized by further Order of the Court; and

21 J. Submit, if appropriate, additional committees and counsel for designation by  
22 the Court.

23 2. To act on behalf of plaintiffs, the Court hereby designates the following as:  
24

25 **CO-LIAISON COUNSEL**

26 Michael S. Berg  
27 Law Offices of Michael S. Berg  
28 401 West A Street, Suite 2600  
San Diego, CA 92101  
Phone: (619) 239.2186  
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1 Gayle M. Blatt  
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3 110 Laurel Street  
4 San Diego, CA 92101  
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7 Email: gmb@cglaw.com

8 Co- Plaintiffs' Liaison Counsel shall:

- 9 A. Maintain and distribute to all other plaintiffs' counsel and to defendants'  
10 counsel an up-to-date service list;
- 11 B. On behalf of all counsel for all plaintiffs, receive from defendants, the Court,  
12 and third parties, and as appropriate, distribute to all other plaintiffs' counsel  
13 the following: written and electronic communications from the Court,  
14 defendants, and third parties; pleadings; Orders from the Court; and discov-  
15 ery and documents from defendants and third parties; and
- 16 C. Maintain and make available to all other plaintiffs' counsel at reasonable  
17 hours a complete file of all documents served by or upon each party, and  
18 establish and maintain an electronically accessible document depository.

19 3. To act on behalf of plaintiffs, the Court hereby designates the following as the  
20 Plaintiffs' Steering Committee:

21 **PLAINTIFFS' STEERING COMMITTEE**

22 Ramon R. Lopez  
23 LOPEZ MCHUGH, LLP  
24 100 Bayview Circle, Suite 5600  
25 Newport Beach, California 92660  
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25 James R. "Tripp" Segars, III  
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26 Fax: (602) 254-9900  
27 Email: mlove@rhlfirm.com


28 4. To act on behalf of Plaintiffs, the Court hereby designates the following as:

**STATE AND FEDERAL COURT LIAISON**

19 Marc J. Bern  
20 NAPOLI, BERN, RIPKA & SHKOLNIK LLP  
21 350 Fifth Avenue  
22 New York, New York 10018  
23 Phone: (212) 267-3700  
24 Fax: (212) 587-0031  
25 Email: MJBern@NapoliBern.com

IT IS SO ORDERED.

DATED: October 17, 2013

  
\_\_\_\_\_  
Hon. Anthony J. Battaglia  
U.S. District Judge