

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:21-md-3015-SINGHAL/Valle

IN RE:

MDL CASE NO.: 3015

JOHNSON & JOHNSON AEROSOL SUNSCREEN
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Order No. 13

_____/

THIS DOCUMENT RELATES TO: ALL CASES

_____/

**ORDER ESTABLISHING THE DUTIES, RESPONSIBILITIES, AND
ORGANIZATIONAL STRUCTURE OF INTERIM CLASS COUNSEL**

The Court, having appointed Aylstock, Witkin, Kreis & Overholtz, PLLC; Bradley/Grombacher, LLP; Beasley, Allen, Crow, Methvin, Portis & Miles, PC; Keller Lenkner, LLC; and Walsh Law, PLLC as Interim Class Counsel in this Court's Order No. 12 (DE [64]), now makes such order establishing the duties, responsibilities, organization, and structure of such leadership as follows:

Aylstock, Witkin, Kreis & Overholtz PLLC, Bradley/Grombacher LLP, Beasley, Allen, Crow, Methvin, Portis & Miles, PC, Keller Lenkner LLC, and Walsh Law PLLC shall serve as Interim Class Counsel.

Aylstock, Witkin, Kreis & Overholtz PLLC and Bradley/Grombacher LLP shall be generally responsible for coordinating the activities of all Class Counsel during pretrial proceedings and shall:

- a. determine (after consultation with other Class Counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be

- appropriate, personally or by a designee) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial proceedings;
- b. coordinate the initiation and conduct of discovery on behalf of Plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions as necessary;
 - c. delegate specific tasks to themselves and to other Class Counsel in a manner to ensure that pretrial preparation for the Plaintiffs is conducted efficiently and effectively;
 - d. enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
 - e. prepare and distribute periodic status reports to the Court;
 - f. collect and maintain adequate time and disbursement records covering the services of Class Counsel;
 - g. monitor the activities of Class Counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and
 - h. perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities including offering settlement motions to the Court.

Aylstock, Witkin, Kreis & Overholtz PLLC and Bradley/Grombacher LLP shall consult and coordinate with other Class Counsel as may be appropriate on the Plaintiffs' pretrial activities, settlement efforts and in planning for trial.

The Class Counsel firms shall maintain adequate time and disbursement records for the case, and shall exchange detailed reports of the hours worked and costs expended by each respective firm on a monthly-basis.

All time must be accurately and contemporaneously maintained. Time shall be kept according to these guidelines set forth below:

- a. Each firm shall keep a daily record of their time spent in connection with work on this litigation, indicating with specificity the hours and particular activity.
- b. All work time for each firm shall be maintained in at least one-tenth (.1) hour increments, or smaller increments if the individual or firm regularly keeps time in smaller increments.
- c. As to work performed, given that this is a class action pending in multidistrict litigation, as is common in such complex litigation the Court will be assessing the value of the work performed and how it contributed to the common benefit of the class, rather than performing a strict calculation of hours multiplied by some hourly rate.
- d. Specifically, the Court will be guided by the factors set forth in *Johnson v. Georgia Hwy. Exp., Inc.*, 488 F.2d 714 (5th Cir. 1974)¹ (abrogated on other grounds by *Blanchard v. Bergeron*, 489 U.S. 87 (1989)), as directed by the Eleventh Circuit in *Bivins v. Wrap It Up, Inc.*, 548 F.3d 1348, 1350 (11th Cir. 2008).

¹ In *Bonner v. City of Prichard*, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Advanced costs incurred for the benefit of all putative class representatives and class members in the prosecution of this litigation will be deemed as “Held.” Held costs are those that will be carried by each respective firm and reimbursed as and when determined by Class Counsel. Any request for payments for any Held costs must include sufficient information to allow Class Counsel to account properly for such costs and to provide adequate detail to the Court. All requests shall be subject to review and approval by Class Counsel.

This Order applies to each member related case previously transferred to, removed to, or consolidated into MDL Proceeding 21-md-3015. In cases subsequently transferred to, removed to, or consolidated into MDL Proceeding 21-md-3015, Interim Class Counsel shall serve a copy of the most recent pretrial order to plaintiff’s counsel appearing in each new action upon removal, transfer, or consolidation. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by this Court.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 25th day of March 2022.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF