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FILED

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BRIAN R. MARTINOTTI
J.S.C.

CHARLOTTE NEAL, ADMINISTRATRIX of the ESTATE OF MONICA L. MILLER, DECEASED,

Plaintiff,

v.

BAYER CORPORATION, BAYER HEALTHCARE PHARMACEUTICALS, INC., BAYER HEALTHCARE, LLC, BERLEX LABORATORIES INTERNATIONAL, INC., and MCKESSON CORPORATION,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BERGEN COUNTY

DOCKET NO. BER-L-7512-10

Civil Action

IN RE YAZ®, YASMIN®, OCELLA®
LITIGATION
CASE NO. 287

**ORDER APPROVING SETTLEMENT**

**THIS MATTER** comes before the Court on application by Stefanie Colella-Walsh, Esquire from Stark & Stark, A Professional Corporation, attorneys for Plaintiff, and with Greg A. Hewitt, Esquire, attorney for minor beneficiary, John Lee Ramsey, appearing, for an Order approving the compromise and settlement of the claims in the above-captioned matter.

The Court having considered the papers submitted and having heard argument, and for good and sufficient cause shown, finds that: For the reasons set forth on the record -

1. When taking into consideration the factual and legal issues involved and the expense of further litigation, the proposed settlement is fair and reasonable;

2. The record is sufficiently developed and complete to have enabled the parties to adequately evaluate and consider their respective positions in negotiating the proposed settlement;
3. It is in the minor beneficiary's best interests that plaintiff be permitted to accept the gross amount of $250,000.00 in compromise and settlement of all claims against defendants arising out of the wrongful death of Monica Miller.

Accordingly, it is ORDERED that:

1. The gross settlement of $250,000.00 is hereby approved;
2. Plaintiff is permitted to make final settlement with defendants releasing them forever of and from any and all liability, claims, actions, causes of action, damages or demands of every kind and character against them arising out of the death of Monica Miller.

It is further ORDERED that Plaintiff is to distribute the proceeds of the gross settlement as follows:

a. 6% of the gross settlement ($15,000.00) will be paid to the Common Benefit Fee and Expense Fund, pursuant to Case Management Order No. 14 entered in MDL 2100.
b. $3,434.60 to be paid for costs associated with prosecuting this civil litigation, which includes $1,200 to be paid to Garretson Resolution Group as the court appointed lien administrator.

c. Pursuant to the Agreement to Provide Legal Services, $77,180.75 for Stark & Stark, P.C.'s attorneys' fees (33 1/3% of gross settlement amount minus Common Benefit Fee and Expense Fund minus costs).

d. Medicare reimbursement lien of $29,781.45. Garretson Resolution Group has tentatively audited the Medicare lien to zero and is awaiting formal approval from West Virginia.

e. Remainder of net recovery to be distributed in a check payable to the attorney trust account of the decedent's estate's West Virginia counsel, Jerome Novobilski, Esquire, to be held in trust pending agreement between the aforementioned counsel for decedent's estate and Greg A. Hewitt, Esquire, counsel for the minor beneficiary, John Lee Ramsey.

A copy of the within Order shall be served upon all counsel within 5 days of receipt of this Order.

Brian R. Martinotti, J.S.C.

November 14, 2012