

Elizabeth A. Fegan
Hagens Berman Sobol Shapiro LLP
1144 W. Lake Street, Suite 400
Oak Park, IL 60301
Telephone: (708) 628-4960

Co-Lead Counsel for Plaintiffs

Michael A. London
Douglas & London, P.C.
111 John Street, 14th Floor
New York, NY 10038
Telephone: (212) 566-7500

Co-Lead and Liaison Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE: BAYER CORP. COMBINATION
ASPIRIN PRODUCTS MARKETING AND
SALES PRACTICES LITIGATION

THIS PLEADING RELATES TO:

ALL CASES

09-md-2023 (BMC)(JMA)

COGAN, District Judge

**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND EXPENSES,
AND SERVICE AWARDS**

Plaintiffs William Blank, Beverlysue Blank, Anne McCabe, and Douglas Vinson, by and through their attorneys, and as their Motion for Attorneys' Fees and Expenses, and Service Awards, state the following:

Following particularly hard-fought litigation that included a motion to dismiss, extensive written and oral discovery (involving 2.5 million pages of documents and dozens of depositions), a fully briefed motion for class certification (supported by extensive factual and legal research),

and five motions to strike defendant's expert declarations, the Parties¹ settled this consumer protection, breach of warranty, and unjust enrichment class action for a significant cash payment of \$15,000,000. The Settlement, reached only after negotiations before two mediators (including a failed mediation attempt), was achieved through the dedicated efforts of Class Counsel and other Plaintiffs' Counsel working diligently, without compensation, since 2008 to represent the members of the Settlement Classes.

Class Counsel request that this Court enter an order for: (i) an award of attorneys' fees in the amount of \$4,500,000, which represents 30% of the Settlement Amount and 53% of Plaintiffs' Counsels' actual lodestar (or a negative multiplier of .53), (ii) reimbursement of out-of-pocket litigation expenses of \$600,000; and (iii) approval of a \$2,500.00 Incentive Award to each Named Plaintiff in recognition of their valuable services to the Class. As described further in their Memorandum in Support, incorporated here by reference, the record in this case and the case law in the Second Circuit fully support the requested fees, expenses, and service awards.

Accordingly, for the reasons provided above, in their Memorandum of Law and all documents in support, Plaintiffs respectfully request this Court grant their request for attorneys' fees in the amount of \$4,500,000, plus interest on that amount, if any, reimbursement of expenses actually incurred of \$600,000, and service awards for each of the four Class Plaintiffs of \$2,500 each. Plaintiffs further request all such other relief as the Court deems necessary and appropriate. A proposed order is filed with this Motion.

¹ Unless otherwise noted, all capitalized terms refer to terms in the Settlement Agreement and Release ("Settlement" or "Settlement Agreement").

Dated: January 22, 2013

Respectfully submitted,

By: /s/ Elizabeth A. Fegan

Elizabeth A. Fegan
Daniel J. Kurowski
Hagens Berman Sobol Shapiro LLP
1144 W. Lake Street, Suite 400
Oak Park, IL 60301
Telephone: (708) 628-4960
Facsimile: (708) 628-4950
Email: beth@hbsslaw.com
E-mail: dank@hbsslaw.com

Steve W. Berman
Ivy Arai Tabbara
Hagens Berman Sobol Shapiro LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
Email: steve@hbsslaw.com
ivy@hbsslaw.com

Co-Lead Counsel for Plaintiffs

By: /s/ Michael A. London

Michael A. London
Virginia Anello
Douglas & London, P.C.
111 John Street, 14th Floor
New York, NY 10038
Telephone: (212) 566-7500
Facsimile: (212) 566-7501
Email: mlondon@douglasandlondon.com
Email: vanello@douglasandlondon.com

Co-Lead and Liaison Counsel for Plaintiffs

Andres F. Alonso
Alonso Krangle LLP
445 Broad Hollow Road, Suite 205
Melville, NY 11747
Telephone: (516) 350-5555

Jerrold S. Parker
Parker Waichman LLP

111 Great Neck Road, 1st Floor
Great Neck, NY 11021
Telephone: (516) 466-6500

Greg Blankinship
Meiselman, Denlea, Packman, Carton & Eberz P.C.
1311 Mamaroneck Avenue
White Plains, NY 10605
Telephone: (914) 517-5000

Daniel E. Becnel, Jr.
Becnel Law Offices
106 W 7th Street
Reserve, LA 70084
Telephone: (985) 536-1186

James G. Onder
Mark R. Niemeyer
Onder, Shelton, O'Leary & Peterson, LLC
110 East Lockwood
St. Louis, MO 63119
Telephone: (314) 963-9000

W. Lew Garrison
Gayle Douglas
William L. Bross, IV
Heninger Garrison Davis
2224 1st Avenue North
Birmingham, AL 35203
Telephone: (205) 326-3336

Daniel J. Mogin
The Mogin Law Firm P.C.
707 Broadway, Suite 1000
San Diego, CA 92101
Telephone: (619) 687-6611

Scott W. Weinstein
Morgan & Morgan, P.A.
12800 University Drive, Suite 600
Fort Myers, FL 33907
Telephone: (239) 433-6880

J. Barton Goplerud
Hudson Mallaney Shindler & Anderson, P.C.
5015 Grand Ridge Drive, Suite 100

West Des Moines, IA 50265
Telephone: (515) 223-4567

Daniel K. Touhy
Terrence Buehler
Touhy, Touhy, Buehler & Williams LLP
55 West Wacker, Suite 1400
Chicago, IL 60601
Telephone: (312) 372-2209

John W. Olivo, Jr.
John F. Ward
Ward & Olivo
380 Madison Avenue
New York, NY 10017
Telephone: (212) 697-6262

David J. Cohen, Esq.
Kolman Ely, P.C.
414 Hulmeville Avenue
Pennel, PA 19147
Telephone: (215) 750-3134

Kathleen Chavez
Chavez Law Firm, P.C.
3 North 2nd Street, Suite 300
St Charles, IL 60174
Telephone: (630) 232-4480

Matthew J. Herman
Robert Foote
Stephen William Fung
Foote, Meyers, Mielke & Flowers, LLC
3 North 2nd Street, Suite 300
St Charles, IL 60174
Telephone: (630) 232-6333

*Additional counsel for Plaintiffs and the putative
classes*