

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

***IN RE:* ALLERGAN BIOCELL
TEXTURED BREAST IMPLANT
PRODUCT LIABILITY LITIGATION**

**THIS DOCUMENT RELATES TO:
ALL CASES**

**Case No. 2:19-md-02921(BRM)(LDW)
MDL No. 2921**

JUDGE BRIAN A. MARTINOTTI

JUDGE LEDA DUNN WETTRE

**CASE MANAGEMENT ORDER NO. 41
(Amendments to CMO 24)**

The Parties, having met and conferred and having reached agreement, and the Court being fully advised, and for good cause and purposes of efficiency, this Case Management Order amends Case Management Order 24 (Establishing Common Benefit Fee and Expense Funds), Dkt. No. 370 dated December 6, 2021, as follows:

A. The Court has been apprised that Plaintiffs' Co-Lead Counsel has retained the following Certified Public Accountant ("CPA") to assist Plaintiffs' Co-Lead Counsel in this litigation with respect to CMO 24:

David J. White, CPA, Partner
Heffler, Radetich & Saitta LLP
1515 Market Street, Suite 1700
Philadelphia, PA 19102

to help compile, review, and administer common benefit fee and expense submissions in accordance with CMO 24. The requirement in CMO 24 that common benefit fee and expense reports be filed with the Court is hereby amended and substituted as follows: when Plaintiffs' Co-Lead Counsel file any Motion for an Order Approving Allocation and Distribution of Attorneys' Fees and Costs, they shall include (a) an exhibit showing the common benefit contributions among participating counsel; and (b) an exhibit setting forth the Common Benefit Fee Committee's

analysis of each applicant's common benefit contributions to the resolution of the claims that were settled, and proposed fee awards to the applicants. These exhibits shall be filed on a confidential basis under seal.

B. In CMO 24, the Court appointed Mark Wagner, Controller, of Berger Montague PC to serve as Escrow Agent over the Allergan Textured Breast Implant Litigation Fund and the Allergan BIOCELL Fee Fund. The Court is informed that Mr. Wagner has retired, and appoints his successor at Berger Montague, James Metaxas, to perform or oversee these duties at the direction of Plaintiffs' Co-Lead Counsel.

C. The Common Benefit Fee Committee as defined in CMO 24 is amended to include Pete Kaufman, Esq. of Panish | Shea | Ravipudi LLP, 11111 Santa Monica Boulevard, Suite 700, Los Angeles, CA 90025, based on: (i) the work his law firm has performed in this litigation; (ii) his role on the Plaintiffs' trial team and Settlement Committee; and (iii) his role as liaison to the California JCCP state court proceedings.

It is SO ORDERED.

Dated: June 29, 2026



Hon. Leda Dunn Wettre, U.S.M.J.