

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP,
BILEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS
LITIGATION

Master Docket: Misc. No. 21-mc-1230-JFC

MDL No. 3014

This Document Relates to:
All Actions Asserting Claims for Medical
Monitoring

**ORDER GRANTING SETTLEMENT CLASS COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES, COSTS,
AND SERVICE AWARDS TO CLASS PLAINTIFFS**

Upon consideration of Settlement Class Counsel's Motion for an Award of Attorneys' Fees, Costs, and Service Awards to Class Plaintiffs (the "Motion"), and all papers submitted in support of and/or in opposition thereto, and after a hearing thereon held on October 30, 2024, it is hereby ORDERED that the Motion is GRANTED. It is also ORDERED that:

1. The Class Notice disseminated to the Settlement Class and published on the Settlement Website apprised Settlement Class Members that Settlement Class Counsel would be seeking attorneys' fees, reimbursement of costs, and service awards totaling in the aggregate up to 20% of the \$25 million Settlement Fund. The Class Notice complied with this Court's Order Preliminarily Approving the Proposed Class Settlement Agreement and Release of Medical Monitoring Claims ("Settlement Agreement" or "Settlement") (ECF 2864), meets the requirements of Rule 23 of the Federal Rules of Civil Procedure and due process, and constitutes appropriate notice to the Class.

2. The Class Notice apprised Settlement Class Members that the deadline for objections to the Motion was September 25, 2024. The Court has considered the objections to the Motion and finds that they are not meritorious.

3. This Court hereby awards attorneys' fees in the amount of \$4,369,754.57 and reimbursement of Held Costs in the amount of \$451,245.43, as set forth in Settlement Class Counsel's Motion, to be paid from the Settlement Fund pursuant to paragraph 15.1 of the Settlement Agreement (ECF 2862-1). The Court concludes this sum to be fair and reasonable as compensation for the efforts expended on behalf of the Settlement Class.

4. The requested Service Awards, which range from \$2,500 to \$5,000 depending upon each Class Plaintiff's level of involvement in the litigation, are fair and reasonable, consistent with similar awards granted in this Circuit, and reflect the Class Plaintiffs' and Settlement Class Representatives' service to the Settlement Class.

5. This Court hereby awards \$2,500 each to the 34 Class Plaintiffs who contributed significantly to the prosecution of the Medical Monitoring Claims by engaging in production of their medical records and responding to interrogatories¹; \$4,000 each to the 21 Class Plaintiffs who engaged in that discovery and also spent significant time preparing for and participating in a deposition²; and \$5,000 to the two Settlement Class Representatives Elizabeth Lemus and Marilyn Sweeney.

¹ Class Plaintiffs in this category are: Patricia Ragland; Russell Autry; Paul Bailey; Christopher Glaub; Diane Lamontagne; Hugo Barragan; Joe David Dennett; Antonio Perez Bonano; Michael Wheeler; Sharon Cathers; Joseph Hoffman; Dennis Caling; Christine DiJohn; Brian McCarty; Aaron Taylor; Madaline Harbor; Jill Leavenworth; Andrew Fisher; Randy Paris; Jose Toscano; Beth Rodgers; Sonia Diaz; Tara Fields; Michael Dusza; Dennis Morris; Arthur Hibbard; Patrick Nielson; Jeffrey Bartalo; Sean Purdy; Rachel Hock; Robert Peebles; Martin Humphries; Susan Bakaitis; and Bruce Ginsberg.

² Class Plaintiffs in this category are: Sarah Claunch; Jose Lopez; David Martin; Doris Margoles; Pete Bellotti; Stephen Flannery; Jeffrey Boyle; Deanna Melcher; Brent Hamlin; Cameron Rose; Danny Baran; Wilbert Cotton; Debra Wilson; Prinna Boudreau; Paul Panzera; Deana King; Sylvia McDaniel; Danny David; Quinton Goodall; Sabrina Malone; and Chad Wells.

6. Within twenty-one (21) days after the Effective Date of the Settlement (as that term is defined in paragraph 1.8 of the Settlement Agreement), the attorneys' fees and costs and Class Plaintiffs' service awards awarded by the Court shall be paid from the Settlement Fund.

Dated: December 5, 2024

IT IS SO ORDERED.

s/Joy Flowers Conti

The Honorable Joy Flowers Conti
Senior United States District Court Judge