

**In re: Baycol Products Litigation
MDL No. 1431**

**Special Master PTO 78
Assessment Decision No. 16
Wulf Decision**

A Request pursuant to Pretrial Order No.78 was submitted by Plaintiff Betty Wulf challenging the MDL 6% holdback. Thomas Hayes represents the Plaintiff. Leanne DeShong submitted a response on behalf of Bayer; and Ron Goldser submitted a response on behalf of the Plaintiffs' Steering Committee.

Case Summary

This action was originally filed in state court in the District Court of Labette County, Kansas on March 11, 2002, Case No. 02C16PA. Defendant Bayer removed this case to federal court and no objection was interposed. This case was transferred to, docketed, and filed with this MDL Court, No. 02-1352.

Decision

Holdbacks are to be reserved if this Court has jurisdiction and one of the factors set forth in Pretrial Order No. 53 exists. Paragraph 2 of PTO 53 states that a holdback applies to: "a) all cases transferred to this MDL, except those remanded by order of the Court to state court for lack of jurisdiction." Whether or not there was any direct or indirect benefit to the Plaintiff from the MDL is not relevant to this determination. As this case was transferred to this Court, the Request by Plaintiff is presently denied.

Plaintiff may seek a refund of the entire holdback or a portion of it at a later time when this Court determines the distribution of the holdback contributions.

November 12, 2003

/s/ Roger S. Haydock
Special Master