

In re: Baycol Products Litigation
MDL No. 1431

Special Master PTO 78
Assessment Decision No. 18

A Request pursuant to Pretrial Order No.78 was submitted in the case of Plaintiff Bill Deckard challenging the MDL 6% holdback. Tim Maloney 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 Orange County, California. This case was never transferred to this Court, nor ever filed with this Court, nor part of this Court's mediation program.

Decision

Holdbacks are to be reserved if this Court has jurisdiction and one of the factors set forth in Pretrial Order No. 53 exists. Bayer withheld the assessment because the law firm of Mark Robinson or Ramon Lopez appeared to be involved with this state court case. After the holdback, the law firm of Ramon Lopez and Mark Robinson entered into a stipulated order with the PSC, which this Court entered, which capped MDL withholdings. Subsequently, this withholding cap for Lopez/Robinson settlements has been satisfied.

The Request to refund the holdback amount is granted and the holdback amount is to be refunded in its entirety to Plaintiff. Either, this case was not associated with a PSC member law firm, or, if it was governed by either of the law firms of Mark Robinson or Ramon Lopez, the withholding cap has been met and no additional withholding is warranted. It is ordered that a check in the full amount of the holdback be issued and provided to Plaintiff Deckard. Given the lapse of time in the issuance of this order, this check should be processed as quickly as possible.

January 9, 2004

/s/ Roger S. Haydock
Special Master