

In re: Baycol Products Litigation
MDL No. 143

Special Master PTO No. 78
Assessment Decision Nos. 8 and 9

A written Stipulated Request has been submitted from the Plaintiffs' Steering Committee and Matthew E. Lundy, Dawn M. Barrios, Justin G. Witkin, Bryan F. Aylstock, Michael Lynch and Eric H. Weinberg on behalf of plaintiffs in two separate cases:

Urabi Mustafa, *Cause No.: 1:03-CV-00313, U.S. District Court, Middle District of North Carolina*; and

Robert Bray, George Christian, and Robert Dowd, *Cause No.: 3:03-CV16-D, in the U.S. District Court, Northern District of Mississippi*.

Leanne DeShong submitted a response on behalf of Bayer agreeing with the stipulated facts and that the MDL withhold does not apply to these cases.

Decisions

Holdbacks are to be reserved if this Court has jurisdiction and one of the factors set forth in Pretrial Order No. 53 exists. These cases are not subject to the holdback provisions under PTO No. 53.

Assessment Decision Number 8

Accordingly, based on the Stipulated Request and the facts and law of this case, the Request is granted and the holdback amount is to be refunded in its entirety to Plaintiff. It is ordered that a check be immediately issued in the amount of the holdback and provided to Plaintiff Urabi Mustafa.

Assessment Decision Number 9

Accordingly, based on the Stipulated Request and the facts and law of this case, the Request is granted and the holdback amounts are to be refunded in their entirety to Plaintiffs. It is ordered that checks be immediately issued in the amount of the holdback and provided to Plaintiffs Robert Bray, George Christian, and Robert Dowd.

July 28, 2003

/s/ Roger S. Haydock
Special Master