

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

**Special Master PTO 78
Assessment Decision No. 45
Iglesias Decision**

A Request pursuant to Pretrial Order No.78 was submitted by Plaintiff Luis Iglesias challenging the MDL holdback. John Ruiz represents the Plaintiff. Douglas Beck submitted a response on behalf of Bayer; and Stacy Hauer submitted a response on behalf of the Plaintiffs' Steering Committee.

Case Summary

This action is a transferred and docketed case with this Court, MDL Case No. 06-866, pursuant to Conditional Transfer Order CTO-67 dated January 25, 2006. The transfer was made final on February 17, 2006. This case was settled on February 28, 2006.

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." Actions that are settled while the case is a filed MDL case are subject to a holdback.

Plaintiff contends that this case was settled without the assistance or involvement of the PSC and that settlement negotiations occurred directly with Defendant's counsel. It is not necessary for parties to prove or disprove whether this MDL was a benefit to a particular case settlement regarding the assessment of a holdback.

PTO 53 explicitly requires a holdback in this case. The PSC has provided benefits to all MDL cases.

Because this action is an MDL case and was at the time of settlement, Plaintiff's Request is presently denied. Plaintiff may seek a refund of the holdback or any portion of it at a later time when this Court determines the distribution of the holdback contributions.

April 24, 2006

/s/ Roger S. Haydock
Special Master