

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION**

Case No. 2:13-md-2433

**CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth Preston Deavers**

This document relates to:

ALL CASES

CASE MANAGEMENT ORDER NO. 22

Appointment of Claims Administrator and Special Master

This matter is before the Court on Plaintiffs' Unopposed Motion to Appoint a Claims Administrator and a Special Master to Administer the C8 Personal Injury Litigation Master Settlement Agreement ("Plaintiffs' Motion"). (ECF No. 5092.) For the reasons that follow, the Court **GRANTS** Plaintiffs' Motion.

I.

On March 31, 2017, Plaintiffs and counsel for Defendant E. I. du Pont de Nemours and Company (collectively referred to as the "Parties") entered into a Master Settlement Agreement ("MSA") on behalf of all Eligible Claimants. The Parties are now preparing to execute the provisions established in the MSA.

A. Claims Administrator

In Plaintiffs' Motion, they request that Daniel J. Balhoff, Esq., of Perry, Balhoff, Mengis & Burns, L.L.C., be appointed as the MSA Claims Administrator. As set forth in the MSA, and in Plaintiffs' Motion, the Special Master will be responsible for the appellate review and

determination of any appeals of Phase One Awards, if any, in addition to the collection, review, and determination of any Phase Two Awards, if any.

The Court has reviewed all of the information about Mr. Balhoff provided by Plaintiffs in their Motion. In view of Mr. Balhoff's education, numerous court-appointments to settlement allocation services, mediation panel experience, and background in mediation of the MSA in the instant matter, the Court finds him qualified to serve as the Claims Administrator of the MSA. Thus, the Court appoints Mr. Balhoff as the MSA Claims Administrator to perform, at minimum, the following duties with respect to the MSA:

- 1) Collect, administer, review, evaluate, and determine Phase One Awards of Eligible Claimants pursuant to the terms of the MSA;
- 2) Allocate dollar values and identify individual settlement Phase One Awards to the Eligible Claimants pursuant to the terms of the MSA;
- 3) Collect and maintain all Claim Forms, in the form attached to the MSA as Exhibit 4, and records submitted in support thereof, Releases, in the form attached to MSA as Exhibit 5, and Stipulations of Dismissal, in the form attached to the MSA as Exhibit 6;
- 4) Provide the Parties with a Notice of Enrollment, as defined in the MSA, and pursuant to the terms of the MSA;
- 5) Review and investigate any Eligible Claimant's submissions for deficiencies, deception, dishonesty, or fraud, and take steps necessary to prevent any such deficiencies, deception, dishonesty, and/or fraud in accordance with the terms of the MSA;
- 6) Maintain a computerized database of all information submitted by Eligible Claimants in accordance with all applicable federal, state, and local laws, regulations, and guidelines, including, without limitation, HIPAA, as set forth in the MSA;
- 7) Communicate with the Court, Parties, Eligible Claimants, and/or the Qualified Settlement Fund Administrator as necessary to effectuate the MSA; and
- 8) Report to the Court on a monthly basis the work performed and other matters as requested by the Court.

B. Special Master

Pursuant to Rule 53 of the Federal Rules of Civil Procedure, Plaintiffs ask for the appointment of the Daniel J. Stack, Esq., as the MSA Special Master. Rule 53 permits this Court to appoint a special master to “perform duties consented to by the parties.” Fed. R. Civ. P. 53(a)(1)(A). In light of his extensive experience and his recent Special Master appointments at the multidistrict litigation level, highlighted in Plaintiffs’ Motion, the Court finds Judge Stack is well-qualified to assume the responsibilities of the Special Master. Therefore, pursuant to Rule 53, the Court hereby appoints the Honorable Daniel J. Stack (ret.) as the Special Master to perform the following duties in connection with the MSA:

- 1) Appellate review, appellate evaluation, and appellate determination of any appealed Phase One Awards of Eligible Claimants, if any, consistent with the terms of the MSA;
- 2) Collect, administer, review, evaluate, and determine Phase Two Awards of Eligible Claimants, if any, pursuant to the terms of the terms MSA;
- 3) Allocate dollar values and identify individual Phase Two Awards to the Eligible Claimants, pursuant to the terms of the MSA;
- 4) Maintain a database of all information submitted by Eligible Claimants pertaining to any Phase Two Awards in accordance with all applicable federal, state, and local laws, regulations, and guidelines, including, without limitation, HIPAA;
- 5) Review and investigate any Phase One appeals and/or Phase Two Award submissions for deception, dishonesty, or fraud and take steps necessary to prevent any such deception, dishonesty, and/or fraud, as set forth in the MSA;
- 6) Resolve and/or mediate any other dispute involving the MSA not specifically covered by the explicit terms of the MSA; and
- 7) Report to the Court on a monthly basis the work performed and other matters as requested by the Court.

II.

For the reasons stated above, the Court **GRANTS** Plaintiffs' Unopposed Motion to Appoint a Claims Administrator and Special Master to Administer the C8 Personal Injury Litigation Master Settlement Agreement. (ECF No. 5092.) The Court hereby **APPOINTS** Daniel J. Balhoff, Esq., of Perry, Balhoff, Mengis & Burns, L.L.C., as the MSA Claims Administrator and Daniel J. Stack, Esq., as the MSA Special Master.

IT IS SO ORDERED.

4-12-2017
DATE



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE