

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

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**IN RE: URETHANE ANTITRUST  
LITIGATION**

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**MDL 1616  
Civil No. 04-md-01616-JWL-JPO**

**This Document Relates To:  
The Polyether Polyol Cases**

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**ORDER AWARDING ATTORNEYS' FEES  
AND REIMBURSEMENT OF LITIGATION EXPENSES  
TO PLAINTIFFS' CO-LEAD COUNSEL**

This matter comes before the Court on Class Plaintiffs' Petition For Award Of Attorneys' Fees And Reimbursement Of Litigation Expenses (Doc. # 937). No objections or responses were filed to the motion. On July 20, 2009, the Court conducted a hearing on the motion; counsel for Class Plaintiffs appeared, but no other party or class member appeared to address the motion. Based on the submissions by the class plaintiffs and the hearing, the Court **grants** the motion, as set forth below.

1. The Notice provided to the Class of Class Plaintiffs' Petition For Award Of Attorneys' Fees And Reimbursement Of Litigation Expenses complied with this Court's April 22, 2009 Order (Doc. # 911), meets the requirements of Rule 23 of the Federal Rules of Civil Procedure and due process, was the best notice practicable under the circumstances, and constitutes due and sufficient notice to all persons entitled thereto.

2. Co-Lead Counsel Fine, Kaplan and Black, R.P.C. and Cohen Milstein Sellers & Toll PLLC ("Co-Lead Counsel") are awarded attorneys' fees in the amount of thirty-three-and-one-third percent (33<sup>1/3</sup>%) of the funds held in the Escrow Account (as defined by the Settlement Agreement

dated January 31, 2006), including interest earned thereon for the same time period and at the same rate as that earned by the Settlement Fund until disbursed to Co-Lead Counsel. The Court concludes that such an award is reasonable and appropriate in this case, for the reasons set forth by the Court on the record of the hearing on the motion.

3. Co-Lead Counsel are awarded reimbursement of litigation costs and expenses in the amount of \$2,131,383.64, to be paid from the funds held in the Escrow Account (as defined by the Settlement Agreement dated January 31, 2006). The Court concludes that such award is reasonable and appropriate.

4. The award of attorneys' fees and amounts in reimbursement of costs and expenses shall be allocated among plaintiffs' counsel by agreement among Co-Lead Counsel in a manner that, in Co-Lead Counsel's good-faith judgment, reflects each plaintiffs' counsel's contribution to the institution, prosecution and resolution of the litigation against Defendants.

5. The Court retains jurisdiction over matters that are the subject of this Order until after full disbursement of the Escrow Account, and/or as necessary to effectuate the terms of the Settlement Agreement relating to attorneys' fees and litigation costs and expenses.

IT IS SO ORDERED.

Dated this 21st day of July, 2009, in Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge