

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

IN RE: ORAL SODIUM PHOSPHATE	:	
SOLUTION-BASED PRODUCTS	:	
LIABILITY ACTION	:	Case No. 1:09-SP-80000
	:	(MDL Docket No. 2066)
	:	
THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	JUDGE POLSTER
	:	
	:	<u>ORDER</u>

The global settlement agreement in this case recognized that the settling plaintiffs would receive certain insurance proceeds, including: (1) proceeds provided voluntarily by a number of Fleet’s insurance companies; and (2) proceeds obtained following arbitration or settlement with two of Fleet’s insurance companies that, so far, have refused to pay voluntarily.

With regard to the second category, the Court understands that: (a) together with the Plaintiffs Executive Committee (“PEC”), Fleet has engaged in arbitration in London with Swiss Re Insurance Company, and a decision will issue shortly; and (b) the PEC and Fleet, with the assistance of Fleet’s insurance broker Marsh, is negotiating with Allied World Assurance Company (“AWAC”), and arbitration will proceed in Bermuda unless settlement occurs first.

The Court concludes it is an appropriate time to meet with all parties who are negotiating issues related to Fleet’s AWAC insurance policy. Accordingly, the Court will engage in a **mandatory** conference with the following persons: (1) one or more representatives from the Plaintiffs’ Executive Committee (“PEC”) with full settlement authority, and also any other plaintiffs’ attorneys or consultants whom the PEC authorizes; (2) lead counsel representing Fleet, and also any other attorneys or consultants whom lead counsel authorizes; (2a) executive(s) from Fleet with full

settlement authority; (3) lead counsel representing AWAC; (3a) executive(s) from AWAC with full settlement authority, up to policy limits; and (4) counsel representing Marsh. Attendance in person is mandatory for those persons listed at 1, 3, and 3(a) above (underlined); attendance may be by telephone for others.¹ Attendance is mandatory. This conference will take place in the Chambers of Judge Polster on **Tuesday, June 26, 2012, beginning at 9:00 a.m. EST** and continuing that day for as long as necessary. The Court asks counsel for Fleet to ensure this Order is forwarded to AWAC and Marsh.

IT IS SO ORDERED.

/s/ Dan Aaron Polster
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE

DATED: June 14, 2012
09sp80000abn-ord(JPolster-Settlement-7).wpd

¹ The Court recognizes that, as a practical matter, the critical parties who must agree to any settlement are the PEC and AWAC, while Fleet and Marsh have important information. The Court prefers attendance in person by the parties, but permits Fleet and Marsh to attend by telephone. All parties should please contact the Special Master as soon as possible to report exactly who will be attending and by what means.