

## MINNESOTA OPIOID LITIGATION BACKSTOP FUND FEE APPLICATION

### **Firm Names:**

- Keller Postman LLC (f/k/a Keller Lenkner LLC)
- Consovoy McCarthy PLLC (f/k/a Consovoy McCarthy Park PLLC)
- Campbell Knutson, P.A. (counsel formerly with Hoff Barry, P.A.)

### **Clients Represented:**

- City of Coon Rapids, MN
- City of Duluth, MN
- City of North St. Paul, MN
- City of Proctor, MN
- City of Rochester, MN
- Pine County, MN
- Yellow Medicine County, MN

### **Total Settlement for Each Client from Janssen and Big Three Distributors:**

- City of Coon Rapids, MN: \$1,191,887.79
- City of Duluth, MN: \$2,374,862.29
- City of North St. Paul, MN: \$118,895.55
- City of Proctor, MN: \$44,262.21
- City of Rochester, MN: \$1,520,268.85
- Pine County, MN: \$1,170,947.47
- Yellow Medicine County, MN: \$359,728.53

### **Total Attorney Fees Claimed for Each Client:**

Total fees claimed equal the waived contingency fee values negotiated by counsel with their clients.

- City of Coon Rapids, MN: \$397,256.20
- City of Duluth, MN: \$791,541.60
- City of North St. Paul, MN: \$39,627.89
- City of Proctor, MN: \$14,752.59
- City of Rochester, MN: \$506,705.61
- Pine County, MN: \$390,276.79
- Yellow Medicine County, MN: \$119,897.52

### **Preliminary Estimated Total Attorney Fees Awarded for Each Client from the National Contingency Fee Fund:**

- City of Coon Rapids, MN
  - Janssen: \$16,944.41
  - Big Three Distributors: \$74,912.12
- City of Duluth, MN
  - Janssen: \$33,762.06
  - Big Three Distributors: \$149,264.05
- City of North St. Paul, MN
  - Janssen: \$1,690.27

- Big Three Distributors: \$7,472.79
- City of Proctor, MN
  - Janssen: \$629.24
  - Big Three Distributors: \$2,781.95
- City of Rochester, MN
  - Janssen: \$21,612.80
  - Big Three Distributors: \$95,551.45
- Pine County, MN
  - Janssen: \$16,646.69
  - Big Three Distributors: \$73,596.02
- Yellow Medicine County, MN
  - Janssen: \$5,114.06
  - Big Three Distributors: \$22,609.53

**Total Attorney Fees Sought from Backstop Fund for Each Client:**

Fees sought equal the balance between 15% of the fees allowed under the Backstop Fund Payment Cap and the estimated value of the fees awarded by the National Contingency Fee Fund:

● City of Coon Rapids, MN:	\$86,926.64
● City of Duluth, MN:	\$173,203.23
● City of North St. Paul, MN:	\$8,671.27
● City of Proctor, MN:	\$3,228.14
● City of Rochester, MN:	\$110,876.08
● Pine County, MN:	\$85,399.41
● Yellow Medicine County, MN:	\$26,235.69
<b>TOTAL:</b>	<b>\$494,540.46</b>

**ADDITIONAL MATERIALS**

(1) Copies of all documents submitted in support of any application to the National Contingency Fee Fund and a copy of the final award of any attorney fees;

**These materials have been submitted along with this application.**

(2) Copies of any applicable contingency fee contracts with Litigating Local Governments; and, certifications that said contingent fee agreements have been waived;

**These materials were part of the materials submitted in support of applications to the National Contingency Fee Fund and have been submitted along with this application.**

(3) A description of the complexity of the legal issues involved in the MDL Matter, In Re National Prescription Opiate Litigation, MDL 2804 and addressed by Counsel; work done by Counsel to directly benefit their Litigating Local Government clients, and the reasonableness and appropriateness of the fees requested in light of the considerations found in Minn. R. Prof. Cond. 1.5.

**Keller Postman first began investigating claims on behalf of its Minnesota clients in 2018. The thrust of their claims, that opioid manufacturers and distributors could be held responsible for the opioid epidemic, were entirely novel and untested in courts. Keller Postman and its cocounsel not only investigated these claims and reported their findings to their Minnesota clients in order to guide them through the MDL process, but it also took on substantial risk by bringing untested claims on behalf of their clients. During the course of the MDL, Keller Postman and cocounsel regularly kept their clients informed about developments in the MDL and since the announcement of the settlements between litigating government entities in the MDL and the Big 3 Distributors/Janssen, Keller Postman has liaised between its clients, local counsel, and its clients' the attorney general's office to ensure participation in the settlements.**

**Keller Postman immediately began working with its clients in order to ensure participation in the settlement agreements by speaking to its clients' city attorneys, mayors, city councils, and county boards. It attended meetings with the Minnesota attorney general's office to advocate for increased allocations to its clients in order to secure their participation in the settlement agreements and recommended the settlements over the course of several months, which successfully led to a 100% participation rate in the settlements from its clients.**

(4) The identity of the lawyers or legal professionals within Counsel's firm who performed the work described in (3) above and;

**The individuals who performed the work described in (3) above were:**

- **Seth Meyer, Partner at Keller Postman;**
- **Zina Bash, Partner at Keller Postman;**
- **Alex Dravillas, Senior Associate at Keller Postman;**
- **Andy Ho, Paralegal at Keller Postman;**
- **Nicole Nowacki, Paralegal at Keller Postman;**
- **Kelvin Bruno, Legal Assistant at Keller Postman;**
- **Vanessa Kamman, Legal Assistant at Keller Postman;**
- **Jared Shepherd, Attorney at Campbell Knutson**

(5) Any other information required for the Special Master's assessment of the fee application under Section VI G. of the MOA or otherwise deemed relevant by Counsel.