

Evan Romanoff

From: Scott Benson <scott@briollaw.com>
Sent: Friday, June 7, 2024 11:53 AM
To: Van de North, Jack; O'Neill III, Pat
Cc: Devona Wells; Eric Maloney; Joe Rice (jrice@motleyrice.com); Linda Singer (lsinger@motleyrice.com); Flaherty, Yvonne M.; Lewis, Kim; Mark Briol; jshepherd@ck-law.com; ssacks@napolilaw.com; ekd@cruegerdickinson.com; Asp, David W.; gpearson@fnlawfirm.com; James Canaday; Amanda Williams; Dan Gustafson; Evan Romanoff
Subject: RE: Opioid Backstop Fund Applications - Interim Award
Attachments: Re: Opioids: Minnesota Backstop

Judge Van de North,

Despite the language in Exhibit R to the National Settlement Agreements, at Section II C(4) that the amount to be awarded to attorneys under the Common Benefit Fund will include consideration of additional fee recoveries the Attorney may potentially obtain, including, State Back-Stop Agreements, Mr. Canaday states in his June 5, 2024 letter: "the common benefit fee award could not have been reduced or influenced by the Minnesota backstop fund." Attached hereto is an email between Joe Rice from the Motley Rice firm and JoJo Tran, the vendor for the Panel managing the Common Benefit Fee awards, confirming that the Panel did in fact take into consideration the Minnesota Backstop as defined by the MOA in considering awards under the Common Benefit Fund.

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Evan Romanoff

From: joseptann <joseptann@joseptann.com>
Sent: Thursday, June 6, 2024 1:57 PM
To: Rice, Joe
Subject: Re: Opioids: Minnesota Backstop
Attachments: MN-MOA-EXECUTED-BY-AG (1).pdf

CAUTION:EXTERNAL

Hi Joe,

Estimates/projections were made for all fee entitlements, including the Minnesota Backstop, subject to the limitations set forth in the [MINNESOTA OPIOIDS STATE-SUBDIVISION MEMORANDUM OF AGREEMENT](#).

On Thu, Jun 6, 2024 at 11:19 AM Rice, Joe <jrice@motleyrice.com> wrote:

JoJo:

Below is a paragraph that was contained in a letter from the Minnesota Attorney General's office to the Common Benefit Special Master in Minnesota. Can you verify whether or not the Fee Panel made projections of the backstop fee awards in Minnesota at the time they were considering the Common Benefit Awards?

Third, outside counsel incorrectly argue the national fee panel's potential consideration of fees awarded from Minnesota's backstop fund means that it makes "no sense" for the Special Master to consider common benefit fee awards. But the common benefit fee award could not have been reduced or influenced by the Minnesota backstop fund since even your Interim Fee Award had not yet been issued when the national fee panel made preliminary common benefit fee awards. This position also ignores the MOA's critical requirement that outside counsel must "first apply to the National Attorney Fee Fund." MOA section VI.B. Even if the national fee panel's criteria contemplate that state backstop funds go first, Minnesota's MOA dictates otherwise.



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