

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

THE HOSPITAL AUTHORITY OF  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY,  
TENNESSEE, d/b/a NASHVILLE GENERAL  
HOSPITAL and AMERICAN FEDERATION  
OF STATE, COUNTY AND MUNICIPAL  
EMPLOYEES DISTRICT COUNCIL 37  
HEALTH & SECURITY PLAN,

Plaintiffs,

v.

MOMENTA PHARMACEUTICALS, INC. and  
SANDOZ, INC.,

Defendants.

Civil Action No. 3:15-cv-01100

Chief Judge Waverly D. Crenshaw, Jr.  
Magistrate Judge Barbara D. Holmes

**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND CLASS  
REPRESENTATIVE SERVICE AWARDS**

Plaintiffs The Hospital Authority of Metropolitan Government of Nashville and Davidson County, Tennessee, d/b/a Nashville General Hospital (“Nashville General”) and the American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan (“DC 37”) and Class Counsel move for the following:

1. An award of one-third of the \$120,000,000 settlement in the amount of \$40,000,000, together with a proportional share of interest earned on the Settlement Fund;
2. Reimbursement in the amount of \$2,269,268.79 for litigation expenses incurred; and
3. Service awards of \$200,000 each for the two Class Representatives, Nashville General and DC 37.

For reasons further explained in the Memorandum and the declarations of Brendan P. Glackin, Audrey A. Browne, Brian T. Fitzpatrick, and Marc Overlock, the motion should be granted because: (1) the requested attorneys' fees are fair, appropriate, and commensurate to the benefit obtained for the Class; (2) the expenses for which reimbursement is sought were reasonably incurred in connection with the prosecution of this case for the benefit of the Class; and (3) \$200,000 to each Class Representative is warranted for bringing the case, responding to interrogatories and requests for admission, collecting and producing voluminous records and data in response to discovery requests, making corporate representatives and other witnesses available for eleven separate depositions, routinely attending case hearings, and participating in two days of mediation.

This motion will be available for review by Class Members on the website established for this case, <https://www.dvtmedslawsuit.com/>.

Dated: March 2, 2020

Respectfully submitted,

/s/ *Brendan P. Glackin*

Brendan P. Glackin (*pro hac vice*)

Dean M. Harvey (*pro hac vice*)

Bruce W. Leppa (*pro hac vice*)

Katherine Lubin Benson (*pro hac vice*)

David T. Rudolph (*pro hac vice*)

Adam Gitlin (*pro hac vice*)

Michelle A. Lamy (*pro hac vice*)

Jeremy J. Pilaar (*pro hac vice*)

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

275 Battery Street, 29th Floor

San Francisco, CA 94111-3339

Telephone: (415) 956-1000

Facsimile: (415) 956-1008

Mark P. Chalos (TN State Bar No. 19328)

Andrew R. Kaufman (TN State Bar No. 33864)

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

222 Second Avenue, Suite 1640

Nashville, TN 37201

Telephone: (615) 313-9000

Facsimile: (615) 313-9965

*Class Counsel on Behalf of Class Representatives*

*Nashville General and DC 37 and the Class*

John T. Spragens (TN State Bar No. 31445)

SPRAGENS LAW PLC

1200 16th Ave. S.

Nashville, TN 37212

Telephone: (615) 983-8900

Facsimile: (615) 682-8533

*Additional Counsel for Class Representatives*

## CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March, 2020, the foregoing document was filed electronically with the U.S. District Court for the Middle District of Tennessee. Notice of this filing was served via the court's electronic filing system on counsel listed below:

Timothy L. Warnock (TN Bar No. 12844)  
Stuart A. Burkhalter (TN Bar No. 29078)  
RILEY WARNOCK & JACOBSON, PLC  
1906 West End Avenue  
Nashville, TN 37203  
Telephone: (615) 320-3700  
Facsimile: (615) 320-3737

Matthew D. Kent (*pro hac vice*)  
Liz Brodway Brown (*pro hac vice*)  
D. Andrew Hatchett (*pro hac vice*)  
Michael P. Kenny (*pro hac vice*)  
Anthony Thomas Greene (*pro hac vice*)  
Kara F. Kennedy (*pro hac vice*)  
ALSTON & BIRD LLP  
One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424  
Telephone: (404) 881-7000  
Facsimile: (404) 881-7777

Teresa T. Bonder (*pro hac vice*)  
Nell G. Moley (*pro hac vice*)  
Jean E. Richmann (*pro hac vice*)  
ALSTON & BIRD LLP  
560 Mission Street, Suite 2100  
San Francisco, CA 94105  
Telephone: (415) 243-1000  
Facsimile: (415) 243-1001

*Attorneys for Sandoz Inc.*

R. Dale Grimes (TN Bar No. 6223)  
Virginia M. Yetter (TN Bar No. 31471)  
BASS, BERRY & SIMS PLC  
150 Third Avenue South, Suite 2800  
Nashville, TN 37201  
Telephone: (615) 742-6200

Jason T. Murata (*pro hac vice*)  
Brooke Jones Oppenheimer (*pro hac vice*)  
Thomas G. Rohback (*pro hac vice*)  
AXINN, VELTROP & HARKRIDER LLP  
90 State House Square  
Hartford, CT 06103  
Telephone: (860) 275-8100  
Facsimile: (860) 275-8101

Carmel Rana Arikat (*pro hac vice*)  
Richard B. Dagen (*pro hac vice*)  
Bradley D. Justus (*pro hac vice*)  
Michael L. Keeley (*pro hac vice*)  
Daniel K. Oakes (*pro hac vice*)  
Jetta C. Sandin (*pro hac vice*)  
AXINN, VELTROP & HARKRIDER LLP  
950 F Street, NW  
Washington, DC 20004  
Telephone: (202) 912-4700  
Facsimile: (202) 912-4701

Carol Xianxiao Liu (*pro hac vice*)  
Varnitha Siva (*pro hac vice*)  
AXINN, VELTROP & HARKRIDER LLP  
114 West 47th Street  
New York, NY 10036  
Telephone: (212) 728-2200  
Facsimile: (212) 728-2201

Juanita R. Brooks (*pro hac vice*)  
Roger Alen Denning (*pro hac vice*)  
Tucker N. Terhufen  
FISH & RICHARDSON, P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

*Attorneys for Momenta Pharmaceuticals, Inc.*

/s/Katherine Lubin Benson  
Katherine Lubin Benson