

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division**

In re:)
SILICONE GEL BREAST IMPLANT) Master File No. CV 92-P-10000-S
PRODUCTS LIABILITY LITIGATION)
(MDL 926))

ORDER No. 31H
(Additional Counsel for National Science Panel)

Now that the report from the National Science Panel has been submitted, the next step in this process will involve preparation for, and conduct of, trial-perpetuation depositions of the Panelists. Since December 1996 John Kobayashi has been serving under Order No. 31F as special, independent, and private counsel to the Panelists, and he will continue in this role. However, from this point forward, the Panelists will need, to a much greater degree than before, the assistance of counsel in dealing with court procedures and rules with which they are largely unfamiliar. The court has concluded that, to facilitate and expedite the completion of this project through the providing of testimony, it is desirable to provide additional legal assistance to them, complementing that available through Mr. Kobayashi.

After conferring with the parties, the Panelists, and Mr. Kobayashi, and in the exercise of its inherent powers and its powers under Fed. R. Civ.P. 16(c)(8, 12, and 16), the court hereby appoints, effective December 9, 1998, Ina B. Leonard of Birmingham, Alabama, to act (along with and in conjunction with Mr. Kobayashi) as special, independent, and private counsel to the members of the National Science Panel with respect to their service on that Panel pursuant to earlier Orders of this court. Ms. Leonard has indicated her willingness to serve in this capacity and her availability to devote major time and attention to this representation over the coming weeks.

1. With Mr. Kobayashi, Ms. Leonard shall represent and provide legal assistance, advice, and counsel to members of the National Science Panel with respect to the performance of their responsibilities on that Panel.
2. Communications between members of the National Science Panel, Mr. Kobayashi, and Ms. Leonard shall be subject to the attorney-client privilege, as shall communications between Mr. Kobayashi and Ms. Leonard.
3. As provided in Order No. 31D, litigants and implant recipients, their counsel, and their potential lay or expert witnesses have been enjoined from directly communicating with any of the members of the National Science Panel regarding issues in breast-implant litigation, whether by letter, telephone, E-mail, or other means. Except as the court may otherwise specifically authorize, any such communications should be made only through Mr. Kobayashi or Ms. Leonard. To the extent necessary or desirable in performing their responsibilities on behalf of members of the Panel, Mr. Kobayashi and Ms. Leonard are authorized to contact parties, their counsel, and the court, singly or in combination, mindful, however, of the obligation not to engage in communications that might be viewed as inappropriate ex parte communications involving substantive matters.

Ms. Ina B. Leonard
Office Mailing Address: 820 AB UAB, Birmingham, AL 35294
Office Telephone: 205-934-3474
Office FAX: 205-975-6079
Office E-Mail ina@uab.edu
Home Telephone: 205-824-6446

4. Ms. Leonard shall be compensated for her time (at a rate of \$200.00 per hour) and expenses reasonably incurred in such representation. One-half of such fees and expenses shall be borne and paid by the plaintiffs through charges against the Common Litigation Fund. One-half of such fees and expenses shall be borne and paid by the defendants by their making additional payments of such amounts into the Common Litigation Fund.

This the 15th day of December, 1998.

/s/ Sam C. Pointer, Jr.
Chief Judge Sam C. Pointer, Jr.