

The Judicial Panel On Multidistrict Litigation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DeWAYNE A. BAILEY, et al.,

Plaintiffs,

v.

EMPIRE BLUE CROSS/BLUE SHIELD,
et al.,

Defendants.

MDL DOCKET NO. 902

93 Civ. 6179 (MP)

TRANSCRIPT OF JUDGE
POLLACK'S COMMENTS
REGARDING COUNSEL AND
APPROVAL OF WAVE 1
SETTLEMENTS

JUDGE: Milton Pollack

JUDGE POLLACK: "I think I have read enough and heard enough to satisfy me that these are salutary opportunities for the disabled and sick and otherwise unnoticed people to at least get a pittance of a recovery as the result of magnificent work on the part of counsel [Hollister & Brace and Cohelan & Khoury] and the supporting staff here. Indeed, I have seen no similar indication of a public service rendered by any group of lawyers in all the years that I have practiced law myself which is for 38 or the 27 years that I have been on the bench. And I commend the counsel and the supporting staffs to the highest degree. I have no doubt, I would unhesitatingly say, that these settlements are fair, reasonable and adequate and indeed manna from heaven for the people who will ultimately share the net results of the litigation. It is also very clear to me that the efforts of counsel and the supporting staff are such in this economic climate that in furnishing financial return to counsel and the supporting staff for the services to date, there should be no delay. And this effort should not be carried on without interim compensation of expenses and fees in respect of these particular settlements right now, payable as soon as the funds can be set up in the appropriate manner. So that can provide an incentive to do this great public service that counsel and the supporting staff have undertaken and have thus far performed in these proposed settlements."

DATED: May 16, 1994

HONORABLE MILTON POLLACK
Senior United States District Court Judge