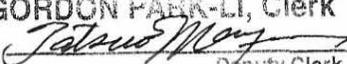


NOV 29 2005

GORDON PARK-LI, Clerk
BY: 
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

COORDINATION PROCEEDING
SPECIAL TITLE (RULE 1550(b))

VITAMIN CASES

This Document Relates To:

ALL ACTIONS

Judicial Council Coordination
Proceedings No. 4076

Master File No. 301803 (San
Francisco County)

~~PROPOSED~~ ORDER
GRANTING PAYMENT TO
CONSUMER *CY PRES*
SETTLEMENT
ADMINISTRATOR

Date:
Time:
Dept.: 505
Judge: Hon. John E. Munter

On October 21, 2005, Plaintiffs filed, and the State of California joined a motion for an order granting five separate requests:

1. For a second distribution of Consumer Class Settlement Funds;
2. For a third distribution of Consumer Class *Cy Pres* Settlement Funds;
3. For a payment to the Settlement Administrator Gilardi & Company;

- 1 4. For a payment to Consumer *Cy Pres* Settlement Administrator Harry M. Snyder; and
2 5. For leave to conduct a further distribution of consumer *cy pres* funds.

3 Upon learning that this motion had been set for hearing on January 25, 2006, the State of
4 California and Plaintiffs, with the consent of Defense Liaison Counsel, requested an expedited
5 hearing or, in the alternative, a ruling on the papers on one discrete part of Plaintiffs' Motion.
6 Specifically, the State of California and Plaintiffs requested a decision on the papers or an expedited
7 hearing on the fourth request – the request for payment to the consumer *cy pres* settlement
8 administrator (Harry M. Snyder) in the amount of \$62,750.00 and for payment to the two nutrition
9 experts (Professors Marion Nestle and Malden Nesheim) in the amount of \$23,992.40 (total).

JEM 10 After reviewing all papers submitted, ^{and oral argument having been} ~~hearing the argument of counsel, and for the reasons set~~
11 ^{waved} ~~forth by the Court at the hearing on []~~, the Court grants Plaintiffs' and State of
12 California's Motion, solely as to payment to the consumer *cy pres* settlement administrator, Harry
13 M. Snyder, and for payment to the two nutrition experts, Professors Nestle and Nesheim, as
14 follows:

- 15 1. The Court has previously approved both the retention of Mr. Snyder and Professors
16 Nestle and Nesheim and a budget for their work.
17 2. Their work has been satisfactory and within budget.
18 3. Payment in the amount of \$62,750.00 to Harry M. Snyder for services completed is
19 hereby ORDERED.
20 4. Payment in the amount of \$23,992.40 (total) to Professors Marion Nestle and Malden
21 Nesheim for services completed is hereby ORDERED.
22 5. The balance of Plaintiffs' and the State of California's Motion shall remain set for
23 hearing on January 25, 2006 at 1:30 p.m.

24 IT IS SO ORDERED

25
26 Date: Nov. 29, 2005

27 _____
28 Honorable John E. Munter
 Judge of the Superior Court for
 San Francisco County