UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

WILLIAM NASH, Individually and on Behalf of All Other Persons Similarly Situated, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION and HOLIDAY CVS, L.L.C.,** **Defendants.**	**C.A. No. 09-079-M**
JEANETTE BELANGER, Individually and on Behalf of All Other Persons Similarly Situated, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION and BETHEL CVS, INC.,** **Defendants.**	**No. 1:09-cv-00522**
FRANK MEADOWS, Individually and on Behalf of Himself and All Other Persons Similarly Situated, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION,** **Defendant.**	**No. 1:10-cv-00473**

RICHARD McFARLAND, **Individually and on Behalf of All Other Persons Similarly Situated,** **Plaintiff,** **v.** **CVS CAREMARK CORPORATION,** **Defendant.**	**No. 1:10-cv-00474**
SANDRA JOHNSON, Individually and on Behalf of All Other Persons Similarly Situated, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION,** **Defendant.**	**No. 1:10-cv-00475**
KRISTY HENDERSON, **Individually and on Behalf of Persons Similarly Situated,** **Plaintiff,** **v.** **HOLIDAY CVS, L.L.C,** **a Florida limited liability company,** **CVS CAREMARK, CORPORATION,** **a Delaware corporation,** **d/b/a CVS/PHARMACY,** **CVS PHARMACY, INC.,** **a Rhode Island corporation,** **d/b/a CVS/PHARMACY, and** **XYZ ENTITIES 1-1000,** **fictitious names of unknown liable entities,** **Defendants.**	**No. 1:11-cv-00541**

REINALDO CRUZ, BENJAMIN TETTEYFIO, ANTHONY MANNARINO, CHRISTOPHER TURKO, DONNA PETERS, DENISE RAMSEY, RAFIK MISSAK, and JEFF ANDERSEN, Individually and on Behalf of all Others Similarly Situated, **Plaintiffs,** **v.** **HOOK-SUPERX, L.L.C., CVS CAREMARK CORPORATION; CVS PHARMACY, INC.; CVS ALBANY, L.L.C.; NEW JERSEY CVS PHARMACY, L.L.C.; MASSACHUSETTS CVS PHARMACY, L.L.C. and WOODWARD DETROIT CVS, L.L.C.,** **Defendants.**	**No. 1:11-cv-00587**
ELIZABETH DUCASSE, Individually and on Behalf of All Other Persons Similarly Situated, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION and CVS ALBANY, L.L.C.,** **Defendants.**	**No. 1:11-cv-00540**
SHAWN GRIFFITH, Individually and on Behalf of All Other Persons Similarly Situated, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION, and MASSACHUSETTS CVS PHARMACY, L.L.C.,** **Defendants.**	**No. 1:11-cv-00537**

GARY S. OLSEN, Individually and on Behalf of All Other Persons Similarly Situated, as Class/Collective Representative, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION,** **Defendant.**	**No. 1:11-cv-00553**
JAMES RENFRO, Individually and on behalf of all other persons similarly situated, **Plaintiff,** **v.** **CVS CAREMARK CORPORATION and OHIO CVS PHARMACY, LLC,** **Defendants.**	**No. 1:11-cv-00565**

ORDER APPOINTING A SPECIAL MASTER

On April 9, 2012, the Court entered an order approving a class action settlement in the above-captioned cases. (ECF No. 136 in *Nash.*) In that Order, the Court approved attorneys' fees of twenty-five percent of the Gross Settlement Amount, totalling $8.5 million (inclusive of costs). *Id.*

At the Final Approval hearing on April 3, 2012, the Court informed Plaintiffs' counsel that it had not been provided with sufficient information to make a determination on how the attorneys' fees award should be apportioned among them. Furthermore, the

Court advised Plaintiffs' counsel that it did not believe sending this matter to a Magistrate Judge for determination was appropriate because it did not believe that the taxpayers should foot the bill to decide an issue that the Court believes could have and should have been resolved amongst the attorneys themselves. Although the Court gave Plaintiffs' counsel until April 20, 2012 to resolve the apportionment dispute, Plaintiffs' counsel have informed the Court that they could not agree on how to apportion the fee award.

Because a district court has available to it a "wide range of procedures" through which it can bring "a sense of fundamental fairness to the fee-determination hearing while at the same time husbanding the court's resources," *In re Nineteen Appeals Arising Out of San Juan Dupont Plaza Hotel Fire Litig.*, 982 F.2d 603, 614 (1st Cir. 1992), the Court has substantial discretion to fashion an appropriate mechanism to determine the allocation of those fees. "Therefore, when the court chooses among the available options, it can mix and match." *In re Thirteen Appeals Arising Out Of The San Juan Dupont Plaza Hotel Fire Litig.*, 56 F.3d 295, 302 (1st Cir. 1995).

The Court hereby appoints attorney Christopher E. Hultquist, a partner at DarrowEverett LLP in Providence as a Special Master in this case to take evidence, receive argument, and make a Report and Recommendation to the Court regarding an appropriate allocation of Plaintiffs' attorney fees. *See* Fed. R. Civ. P. 53. He will be in touch with all counsel in the near future to establish procedures for determining the recommended allocation.

Special Master Hultquist's fees and expenses will be submitted to the Court for approval upon his completion of his duties and those fees and expenses will be borne by Plaintiffs' counsel in a percentage equal to the percentage of attorney fees awarded.

IT IS SO ORDERED.

John J. McConnell, Jr.
United States District Judge
Date: April 23, 2012