

## Bayer Sunscreen Settlement Nets Class Attys \$766K

By **Ryan Harroff**

Law360 (January 10, 2023, 6:26 PM EST) – Class counsel was awarded a roughly \$766,000 fee and costs Monday for its work representing consumers who claimed Bayer Healthcare LLC and Beiersdorf Inc. sold Coppertone sunscreen containing dangerously high levels of benzene.

The Sultz Law Group PC and Levin Sedran & Berman got \$766,666.67 in fees and costs, \$31,422.45 of which will reimburse their expenses, in an order from a New York federal judge filed Monday and dated Friday. The award will be paid out of the \$2.3 million settlement fund to be created by Bayer and Beiersdorf to resolve the class' claims.

In the order, the court praised class counsel for its "skill, perseverance and diligence," and noted the complex nature of the case, as well as the potentially disappointing result for consumers were it not for the litigation.

"Had the settlement agreement not been achieved, a significant risk existed that plaintiffs and the class members may have recovered significantly less or nothing from defendants," the order states.

The lawsuit sought to hold Bayer and Beiersdorf accountable for selling Coppertone spray-on sunscreen products with dangerous amounts of benzene, a chemical known to potentially cause cancer, according to court documents. Bayer sold Coppertone to Beiersdorf in 2019, according to a company statement at the time.

In a Tuesday email to Law360, a Bayer representative said the company is a party to the settlement in name only and that Beiersdorf is "responsible for the litigation and all costs" as it is now Coppertone's owner.

Counsel and representatives for Beiersdorf did not immediately reply to requests for comment.

Jason Sultz, class counsel, said in a Tuesday statement to Law360 that he and his co-counsel are happy with the deal, calling it "an excellent result for the class."

Class counsel informed the court in June that the parties had come to a settlement, and the \$2.3 million deal was **preliminarily approved** in August.

The class is represented by Jason P. Sultz and Joseph Lipari of The Sultz Law Group PC and Charles E. Schaffer and David C. Magagna Jr. of Levin Sedran & Berman.

Bayer and Beiersdorf are represented by Eamon P. Joyce, T. Robert Scarborough and Elizabeth M. Chiarello of Sidley Austin LLP.

The case is *Bangoura v. Beiersdorf Inc. et al.*, case number 1:22-cv-00291, in the U.S. District Court for the Eastern District of New York.

--Additional reporting by Mike Curley. Editing by Melissa Treolo.