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## Three lawyers ordered to pay clients in diet-pill case \$42 million

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A senior judge has ordered the three Lexington lawyers accused of plundering Kentucky's \$200 million fen-phen settlement to pay \$42 million to their former clients.

Judge William Wehr already had ruled that lawyers Shirley Cunningham Jr., Melbourne Mills Jr. and William Gallion breached their duties to their former clients by paying themselves and others \$126.8 million from the 2001 settlement when they were entitled to only \$60.8 million.

That meant they owed their former clients \$64.2 million, including \$20.5 million they had paid a charitable fund called the Kentucky Fund for Healthy Living, Wehr found. Wehr said the attorneys also must pay 8 percent interest over the six years they had the money.

Wehr said previously that he would subtract the lawyers' expenses from that amount, but Gallion and Cunningham submitted none. Mills submitted proof of \$1.5 million in costs for salaries, rent, utilities, phones and daily office expenses.

The three lawyers are scheduled to be tried Oct. 15 in federal court on charges of conspiracy to commit wire fraud in connection with the case. They have pleaded not guilty.

Wehr last week postponed until after that trial a civil trial in which jurors will be asked whether the lawyers should be forced to pay punitive damages.

In his order Wednesday, Wehr ordered a fourth lawyer, Stan Chesley of Cincinnati, to be prepared to defend himself at that trial on allegations that he also breached his duty to the former clients. More than 400 of the former plaintiffs have joined in suing their ex-lawyers.

Chesley, who negotiated the settlement, has contended he had no duty to the clients because he represented only the Lexington lawyers.

Wehr previously stayed proceedings against Chesley but is expected to rule next week on whether to lift that stay.

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