

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: COLOPLAST CORP. PELVIC SUPPORT
SYSTEMS PRODUCTS LIABILITY LITIGATION

MDL NO. 2387

THIS DOCUMENT RELATES TO ALL CASES

COLOPLAST CORP.'S EARLY CASE ASSESSMENT PROTOCOL

Upon request and with the agreement of Defendant Coloplast Corp. (“Coloplast”) and Defendant Mentor Worldwide LLC (“Mentor”), and with the understanding that the terms set forth herein should not be construed as an admission of law or facts relating to any possible claims or causes of action, or a determination regarding the merits of any claim or defense, Coloplast sets forth its Early Case Assessment Protocol (“Protocol”) for dissemination by the Co-Lead Plaintiffs’ Counsel in MDL No. 2387 to all Plaintiffs:

1. Within 90 days of receiving this Protocol, all Plaintiffs’ counsel who want to participate in an early case assessment process shall provide to Coloplast’s counsel (Lana K. Varney and Ronn B. Kreps of Fulbright & Jaworski LLP, meshteam@nortonrosefulbright.com), a complete list by name and Social Security Number of:

- a. all Plaintiffs whom they are representing in this MDL;
- b. all clients with unfiled claims subject to a limitations tolling agreement with Coloplast; and
- c. any other clients as of October 1, 2014, with an alleged claim against Coloplast (collectively hereinafter referred to as the Plaintiffs' counsels' “Roster”).

2. Upon receipt and assessment of the required information described in Paragraph 1 above, and if the relevant information is available, Coloplast's counsel will identify to Plaintiffs' counsel within 45 days all dual representation issues presented by any and all Plaintiffs or claimants on their Roster by identifying all Plaintiffs or claimants who have retained two or more law firms and have brought multiple, duplicative claims against Coloplast and/or Mentor. Within 45 days of receiving the above information from Coloplast's counsel, Plaintiffs' counsel will identify to Coloplast's counsel which Plaintiffs' firm will continue to represent those Plaintiffs going forward.

3. Upon resolution of the dual representation issues discussed in Paragraph 2 above, Plaintiffs' counsel will have 120 days to provide all medical records for each Plaintiff or claimant on their Roster, or provide an explanation to Coloplast's counsel and/or Mentor's counsel as to why the medical records cannot be provided within the required timeframe.

4. Upon receipt of the required information described in Paragraph 1 through 3 above, Coloplast's counsel and/or Mentor's counsel will have 90 days to assess the provided information and identify to Plaintiffs' counsel any deficiencies in the information provided. Plaintiffs' counsel will then have 45 days to cure the deficiencies identified by Coloplast's counsel and/or Mentor's counsel. Upon resolution of all identified deficiencies, the Plaintiffs' counsels' Rosters will be placed in queue for discussions between the parties within 120 days, which may be extended by agreement if reasonable efforts by the parties prevent scheduling the discussions within the designated period of time. These discussions will address Coloplast's and/or Mentor's assessment of each individual claim and shall be confidential, subject to the provisions of Fed. R. Evid. 408 and other applicable law and precedent relating to confidential

settlement discussions, and without prejudice to Coloplast's and/or Mentor's rights to assert all applicable defenses and to hold each Plaintiff or claimant to her or his burden of proof.

5. The terms of this Protocol apply to all cases direct-filed in or transferred to this MDL as of October 1, 2014. Counsel representing Plaintiffs in this MDL who also represent clients with unfiled claims subject to a limitations tolling agreement with Coloplast are requested by Coloplast's counsel to submit the required information described in Paragraph 1 through 3 above for those claimants with tolled claims as well.

6. All Plaintiffs' counsel who want to participate in the early case assessment process and would like to toll their claims as to Coloplast, should review and agree to the terms of the template limitations tolling agreement with Coloplast, which is attached herein as Exhibit A. All Plaintiffs' counsel who want to participate in the early case assessment process and would like to renew or otherwise extend their existing limitations tolling agreement with Coloplast, should contact Coloplast counsel directly.