

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

IN RE: C.R. BARD, INC.)
PELVIC REPAIR SYSTEMS)
PRODUCTS LIABILITY LITIGATION)
) **MDL NO. 2187**
)

PRETRIAL ORDER # 306
(ORDER ESTABLISHING QUALIFIED SETTLEMENT FUND - NAPOLI SHKOLNIK)

Pending is an Unopposed Motion for Approval of a Qualified Settlement Fund, filed June 10, 2019. [ECF No. 7326]. Upon consideration of the Motion of Napoli Shkolnik, PLLC (“Napoli”) and for good cause shown, the court hereby **FINDS** and **ORDERS** as follows:

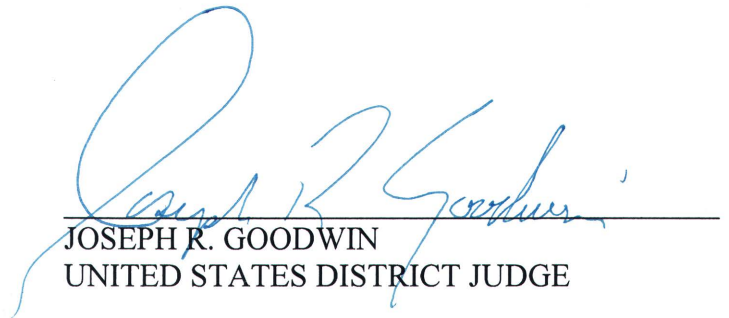
1. The Unopposed Motion [ECF No. 7326] is **GRANTED**.
2. To assist in the administration of the settlement of claims brought by the clients of Napoli (which shall include all plaintiffs represented by Napoli in the settlement agreement that was entered into with Covidien (as that term is defined in the Motion) (“Covidien”), as well as any clients of Napoli who enter into settlements with Covidien in the future), the Napoli Shkolnik-Covidien Qualified Settlement Fund shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, pursuant to this court's continuing subject matter jurisdiction over the underlying matter and consistent with Treas. Reg. Section 1.468B-1(c)(1). All settlements reached by and between Plaintiffs in state or federal litigation or Claimants who are represented by Napoli pursuant to the

Master Settlement Agreement shall be paid into the Napoli Shkolnik-Covidien Qualified Settlement Fund (the “QSF”).

3. The Garretson Resolution Group, Inc. is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion, the Master Settlement Agreement, and the Escrow Agreement, which is attached to the Motion and which will be executed substantially in the same form as identified therein. Napoli and said Fund Administrator are given the authority to conduct any and all activities necessary to administer this QSF as described in the Motion.
4. The QSF, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at CIBC Bank, USA, with such bank serving as the Custodian of the QSF. Investment related decisions and decisions concerning the bank’s succession as Custodian shall be made pursuant to the terms and conditions set forth in the Motion, with disbursements from the QSF made pursuant to the terms of the Master Settlement Agreement and the Escrow Agreement.
5. The Fund Administrator is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.
6. The Fund Administrator is further authorized, upon final distribution of all monies paid into the QSF, to take appropriate steps to wind down the QSF, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the QSF.

The court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-02187 and it shall apply to each member related case. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsc.uscourts.gov.

ENTER: June 12, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE