

**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 # 307
(ORDER APPOINTING RANDI S. ELLIS AS SETTLEMENT MASTER
FOR SETTLEMENT AGREEMENT
BETWEEN COVIDIEN AND CERTAIN PLAINTIFFS' COUNSEL)**

Napoli Shkolnik, PLLC, (collectively, "Plaintiffs' Counsel") has entered into a separate Confidential Master Settlement Agreement (the "Settlement Agreement") with Covidien LP, Tyco Healthcare Group LP, Covidien Inc., Covidien plc, United States Surgical Corporation, Sofradim Production, Tissue Science Laboratories, Limited, Medtronic, Inc., and Medtronic plc ("Covidien"), but not C.R. Bard, Inc., to resolve the claims related to the implantation of Covidien Pelvic Repair Products (as defined in the Settlement Agreement). Under the provisions of the Settlement Agreement, Plaintiffs' Counsel has agreed to seek the approval of this Court to appoint a Settlement Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs' Counsel submits that Randi S. Ellis is well-qualified to perform these, and other functions discussed in the Unopposed Motion to Appoint Settlement Master [ECF No. 7327], and supported by an Affidavit from Randi S. Ellis attached thereto.

Defendant Covidien does not oppose Plaintiffs' Counsel's request. The Court, pursuant to its inherent authority, and having considered the request, and cognizant of the important public policy of encouraging settlement among litigating parties, hereby issues the following Order.

IT IS ORDERED THAT:

1. The Unopposed Motion to Appoint Settlement Master (ECF No. 7327] is **GRANTED**.
2. Randi S. Ellis is hereby appointed as the Settlement Master for the administration of the settlement reached between Plaintiffs' Counsel and Covidien, related to the implantation of Covidien Pelvic Repair Products (as defined in the Settlement Agreement).
3. The duties of the Settlement Master shall be as set forth in the Settlement Agreement.
4. In furtherance of the fair and efficient administration and implantation of the settlements, the Settlement Master may have *ex parte* communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, or defendant Covidien and its counsel, and such *ex parte* communications shall not be deemed to have waived any attorney-client privileges.
5. The Settlement Master shall be compensated as specified in the Settlement Agreement.
6. An affidavit by the Settlement Master has been submitted and is attached as Exhibit A to plaintiff's Motion [ECF No. 7327-1]
7. The Settlement Master shall report to the court as requested by the court.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02187. 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.wvsd.uscourts.gov.

ENTER: June 12, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE