

**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

HONORABLE
JUDGE JOSEPH R. GOODWIN

**PRETRIAL ORDER # 118
(ORDER APPOINTING SUSAN SOUSSAN AS SETTLEMENT MASTER
FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN
COLOPLAST AND CERTAIN PLAINTIFFS' COUNSEL)**

Pending is an Unopposed Motion for Appointing Susan Soussan as Special Master for Master Settlement Agreement between Coloplast and Certain Plaintiffs' Counsel, filed December 5, 2016. [ECF No. 966]. Wagstaff & Cartmell, LLP (Collectively, "Plaintiffs' Counsel") has entered into a separate Confidential Master Settlement Agreement (the "Settlement Agreement") with Coloplast Corp. and related entities, defined by agreement as "Coloplast," to resolve the claims related to the implantation of Coloplast's Pelvic Repair Products (as defined in the Settlement Agreement). Plaintiffs' Counsel has agreed to seek the approval of this Court to appoint a Settlement Master¹ to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs' Counsel believes that Susan Soussan is well-qualified to perform these and other functions discussed below.

Accordingly, Plaintiffs' Counsel requests, pursuant to the Court's inherent case management powers, the appointment of Susan Soussan to assist in the administration and implementation of their settlement with Coloplast, with the authority to:

- Determine that the calculation, allocation, division and distribution of the settlement payments among the claimants pursuant to the terms of the Settlement Agreement provides

¹ The court will refer to Ms. Soussan as a "settlement master" rather than "special master."

for fair and reasonable compensation for each client based on the facts and circumstances of this litigation, including the risk to all parties of litigation, the cost, the time delay, the medical evidence, the science, the compensation circumstances, and the inherent risk of litigation generally.

Coloplast 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.

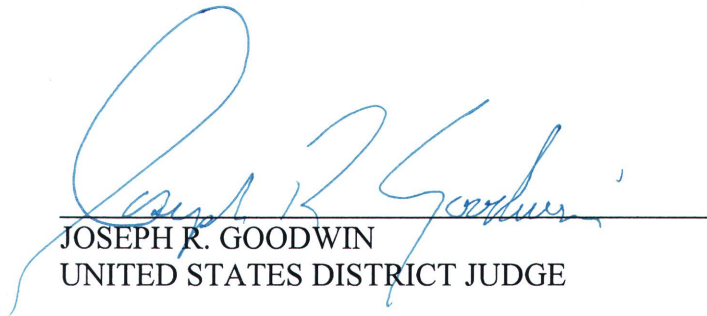
IT IS ORDERED THAT:

1. The Unopposed Motion is **GRANTED**.
2. Susan Soussan, 1330 Post Oak Blvd., #2880, Houston, TX, 77056 is hereby appointed as the Settlement Master for the administration of the settlement reached between Wagstaff & Cartmell, LLP, and Coloplast related to the implantation of Coloplast's Pelvic Repair Products (as defined in the Settlement Agreement).
3. The duties of the Settlement Master shall be agreed by Plaintiffs' Counsel and Coloplast.
4. In furtherance of the fair and efficient administration and implementation of the settlements, the Settlement Master may have *ex parte* communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, Coloplast and its counsel, or the Court, and such *ex parte* communications shall not be deemed to have waived any attorney-client privileges.
5. The Settlement Master shall be compensated privately as specified by agreement with the Settlement Master.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02387 and it shall apply to each member related case, *where applicable*, previously transferred to, removed to, or

filed in this district, which includes all claimants represented by Plaintiffs' Counsel. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this Court, a copy of the most recent pretrial order will be provided by the clerk to counsel appearing in each new action upon removal or transfer. 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: December 20, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE