

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

IN RE: BOSTON SCIENTIFIC CORP. PELVIC
REPAIR SYSTEM PRODUCTS LIABILITY
LITIGATION

MDL NO. 2326

PRETRIAL ORDER # 200
(ORDER APPOINTING LYNN BAKER AS SETTLEMENT MASTER
FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN BSC AND CERTAIN
PLAINTIFFS' COUNSEL)

Janet, Janet & Suggs, LLC and Jenner Law, P.C. (collectively referred to herein as "Plaintiffs' Counsel") have entered into a Confidential Master Settlement Agreement (the "MSA") with Defendant Boston Scientific Corp. ("BSC") to resolve the claims related to the implantation of BSC's Pelvic Products, as defined in the MSA, for certain plaintiffs in the above-captioned matter and in Massachusetts, Middlesex County Superior Court. Pursuant to the provisions of the MSA, Plaintiffs' Counsel has moved the Court to appoint a Settlement Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Professor Lynn A. Baker is well-qualified to perform these and other functions discussed below.

Accordingly, Plaintiffs' Counsel request, pursuant to the Court's inherent case management powers, the appointment of Professor Lynn A. Baker to assist in the administration and implementation of their settlement with BSC, with the authority to:

- Review, and revise as appropriate, the calculation, allocation, division and distribution of settlement payments among the claimants to ensure that fair and reasonable compensation is afforded each claimant 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; and

- Serve as facilitator to aid in the resolution of any disputes that may arise related to the categorization and allocation of settlement values to claims under the terms of the Settlement Agreement.

BSC 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. Professor Lynn A. Baker, Austin Law and Economics Consultants, Inc., Austin, TX 78746, is hereby appointed as the Settlement Master for the administration of the settlement reached between Plaintiffs' Counsel and BSC, related to the implantation of BSC's Pelvic Products, as defined in the MSA.
2. The duties of the Settlement Master are set forth above. A purpose of this Order is to provide all parties and their counsel with notice of the availability of the Settlement Master to assist in the process of settling claims related to BSC Pelvic Products.
3. The Settlement Master shall be compensated privately by all claimants for services rendered to them. The fees of the Settlement Master shall be subject to the review of the Court upon written request of any party or of the Settlement Master.
4. Subject to approval and Order of the Court, the Settlement Master shall be retained on behalf of the settling claimants with claims against BSC related to its pelvic repair system products to perform the duties as set forth in herein. When so approved by the Court, this Order shall apply.

5. An affidavit by the Settlement Master has been submitted and is attached hereto.
6. 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-2326 and it shall apply to each claimant related case previously transferred to, removed to, or filed in this district which includes counsel in all member cases up to and including civil action number 2:18-cv-00034. 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 the 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: November 14, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE