

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

IN RE: BOSTON SCIENTIFIC CORP.)
PELVIC REPAIR SYSTEM PRODUCTS)
LIABILITY LITIGATION)
)
) MDL Docket No. 2326
) HONORABLE JUDGE JOSEPH R.
) GOODWIN

PRETRIAL ORDER # 209

QUALIFIED SETTLEMENT FUND ORDER - JOHNSON BECKER, LLC

Pending is an Unopposed Motion for Approval of a Qualified Settlement Fund, filed May 2,

2019. [ECF No. 8026]. Upon consideration of the Motion of Johnson Becker

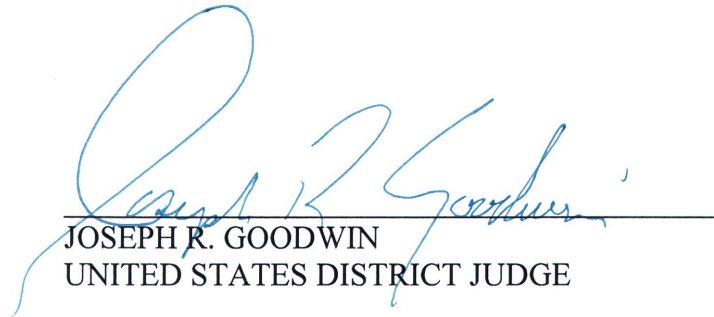
LLC and for good cause shown, the court hereby **ORDERS** as follows:

1. The Unopposed Motion [ECF No. 8026] is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of Johnson Becker (which shall include all plaintiffs represented by Johnson Becker in the settlement agreement executed June 29, 2018, as well as any clients of Johnson Becker who enter into settlements with defendants in the future), the JB-BSC 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 Johnson Becker pursuant to the Confidential Settlement Agreement dated as of June 29, 2018, shall be paid into The JB-BSC Qualified Settlement Fund.

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 Settlement Agreement, and the Qualified Settlement Fund Agreement. Johnson Becker and said Fund Administrator are given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
4. The JB-BSC Qualified Settlement Fund, which includes all principal and income earned thereon, shall be deposited in an account held in custody at CIBC Bank, USA, and CIBC Bank, USA shall serve as the Custodian of the Fund. Investment related decisions shall be made pursuant to the terms and conditions set forth in the Motion, and disbursements from The JB-BSC Qualified Settlement Fund shall be made pursuant to the terms of the Settlement Agreement and Qualified Settlement Fund 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 authorized, upon final distribution of all monies paid into the Fund and disbursement of investment income earned pursuant to the terms outlined in the Motion, whether through *cy pres* or otherwise, in the Fund Administrator's sole discretion, after consulting with Johnson Becker, to take appropriate steps to wind down the fund, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the Fund.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02326 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.wvsd.uscourts.gov.

ENTERED: May 6, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE