

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**IN RE: ETHICON, INC.  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION**

**MDL NO.: 2327**

**PRETRIAL ORDER # 277  
(ORDER APPOINTING FUND ADMINISTRATOR AND APPROVING  
THE USE OF THE HARRY F. BELL QUALIFIED  
SETTLEMENTS FUND SUBACCOUNT)**

Pending is a Stipulated Motion for Approval of Qualified Settlement Fund Subaccount and Appointment of Fund Administrator. [ECF No. 5046]. Also pending is an amended Stipulated Motion for Approval of Qualified Settlement Fund Subaccount and Appointment of Fund Administrator. [ECF No. 5174]. Harry F. Bell, Jr., counsel for certain Plaintiffs in this matter, moved the Court for entry of an order approving the use of the Harry F. Bell Qualified Settlements Fund Subaccount regarding the resolution of claims brought by Plaintiffs against Defendant Johnson & Johnson and Ethicon, Inc. (collectively “Ethicon”) and relating to Ethicon pelvic mesh products. Now, having reviewed both Stipulated Motions for Approval of Qualified Settlement Fund Subaccount and Appointment of Fund Administrator [ECF Nos. 5046 & 5174], and finding good cause, the Court **FINDS** and **ORDERS** as follows:

1. The Stipulated Motion for Approval of Qualified Settlement Fund Subaccount and Appointment of Fund Administrator [ECF No. 5046] is **DENIED as moot**;
2. The Stipulated Motion for Approval of Qualified Settlement Fund Subaccount and Appointment of Fund Administrator [ECF No. 5174] is **GRANTED**;
3. Resolution of Pelvic Mesh Product Claims. Plaintiffs’ Counsel is a participant to a Confidential Master Settlement Agreement between Ethicon and certain

counsel to resolve certain pelvic mesh product injury claims of certain Plaintiffs represented by the undersigned;

4. Approval of Fund. The Harry F. Bell Settlements Subaccount is established as a qualified settlement fund sub-account within the meaning of Internal Revenue Code § 1.468B-1 and Treasury Regulations § 1.468B-1 *et seq.* by Order of this Court and shall remain subject to the continuing jurisdiction of this Court until its purposes have been accomplished and the qualified settlement fund is dissolved;
5. Fund Administrator. Attorney Edgar C. Gentle, III of the law firm Gentle, Turner, Sexton & Harbison, LLC, 501 Riverchase Parkway East, Hoover, Alabama 35244, shall serve as the Fund Administrator. Upon the dissolution or bankruptcy of attorney Edgar C. Gentle, III, his appointment as Fund Administrator shall terminate and the undersigned shall nominate a successor Fund Administrator. The undersigned shall seek approval from the Court regarding his proposed successor Fund Administrator.
6. Powers of Fund Administrator. The Fund Administrator shall be 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; to fund Special Needs Trusts; to distribute all attorney fees and litigation expenses, as well as with those persons who are represented by the undersigned in future settlements, consistent with their existing contingency fee contracts and the terms of the Confidential Master Settlement Agreement; to be paid reasonable fees and expenses of Fund Administration; and, upon final

distribution of all monies paid into the Fund, to take appropriate steps to wind down and dissolve the Fund and thereafter being discharged from any further responsibility with respect to the Fund. The Fund Administrator shall only make payments to the Plaintiffs and any entities asserting a claim of subrogation according to the terms of the Confidential Master Settlement Agreement and the escrow agreement. Ethicon shall have no liability with respect to the Fund. The escrow agreement is attached as Exhibit 1 to the Stipulated Motion [ECF No. 5174].

7. The Court DIRECTS the Clerk to file a copy of this Order in 2:12-md-02327 and it shall apply to each member related case previously transferred to, removed to, or filed in this district where applicable, which includes counsel in all member cases up to and including civil action number 2:17-cv-04623. 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](http://www.wvsd.uscourts.gov).

ENTER: December 28, 2017

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE