

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

**IN RE: C. R. BARD, INC.
PELVIC REPAIR SYSTEM PRODUCT
LIABILITY LITIGATION**

MDL NO. 2187

**PRETRIAL ORDER # 221
(Order Re: Qualified Settlement Fund-
Levin Simes LLP)**

Levin Simes LLP (“Levin Simes”), as counsel for certain plaintiffs in this MDL 2187, has moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential Master Settlement Agreement (the “MSA”) between Levin Simes and C. R. Bard, Inc. (“Bard”). [ECF No. 2505]. In particular, the Motion seeks an Order (1) approving the trust agreement (“Levin Simes Bard Settlement Trust Agreement”), attached hereto as Exhibit A, which forms a settlement trust named the Levin Simes Bard Settlement Trust (“Settlement Trust”) pursuant to the terms of the MSA and the Levin Simes Bard Settlement Trust Agreement established under the MSA, (2) retaining continuing jurisdiction and supervision over the Settlement Trust, (3) determining that the Settlement Trust is a “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“Code”) and Treasury Regulation sections 1.468B-1, *et seq.* (“Regulations”), and (4) appointing a Trustee of the Settlement Trust

The Court, having reviewed the Motion and the Levin Simes Bard Settlement Trust Agreement, and finding good and sufficient cause therefore, hereby **FINDS** and **ORDERS** as follows:

1) Plaintiffs' Unopposed Motion for Approval of Qualified Settlement Fund is **GRANTED;**

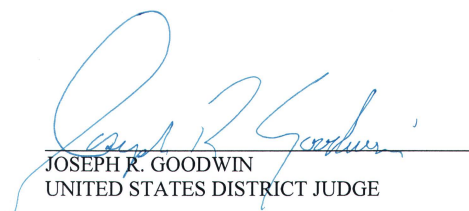
2) The terms of the Levin Simes Bard Settlement Trust Agreement are hereby approved;

2) The Settlement Trust constitutes a qualified settlement fund within the meaning of the Code and Regulations. The Court further retains continuing jurisdiction and supervision over the Settlement Trust, in accordance with the terms of the Levin Simes Bard Settlement Trust Agreement; and

3) The Court appoints Scott H. Freeman as the Trustee of the Settlement Trust, which shall be held at Amegy Bank, a division of ZB, N.A.

The court DIRECTS the Clerk to file a copy of this order in 2:10-md-2187 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 2:16-09530. 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: October 13, 2016


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE