

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

IN RE: C.R. BARD, INC.  
SUPPORT SYSTEMS PRODUCTS  
LIABILITY LITIGATION

MDL No. 2187  
  
HONORABLE  
JUDGE JOSEPH R. GOODWIN

**PRETRIAL ORDER # 235  
(ORDER APPOINTING NEIL G. BARON AS SETTLEMENT MASTER  
FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN  
COVIDIEN LP AND CERTAIN PLAINTIFFS' COUNSEL)**

Pending is an Unopposed Motion for Appointing Neil G. Baron as Special Master for Master Settlement Agreement between Defendants Covidien<sup>1</sup> and Certain Plaintiffs' Counsel, filed January 23, 2017. [ECF No. 2901]. The Law Offices of A. Craig Eiland, P.C. (Collectively, "Plaintiffs' Counsel") has entered into a separate Confidential Master Settlement Agreement (the "Settlement Agreement") with Covidien LP and related entities, defined by agreement as "Defendants Covidien," to resolve the claims related to the implantation of Covidien'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 Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs' Counsel believes that Neil G. Baron 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 Neil G. Baron to assist in the administration and implementation of their settlement with Defendants Covidien, with the authority to:

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<sup>1</sup> "Covidien" shall mean Covidien LP, Tyco Healthcare Group LP, Covidien Holding Inc., Covidien Inc., Covidien plc, United States Surgical Corporation, Sofradim Production, Tissue Science Laboratories, Limited, Medtronic Inc., and Medtronic plc, and their related and affiliated companies.

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

Covidien 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.

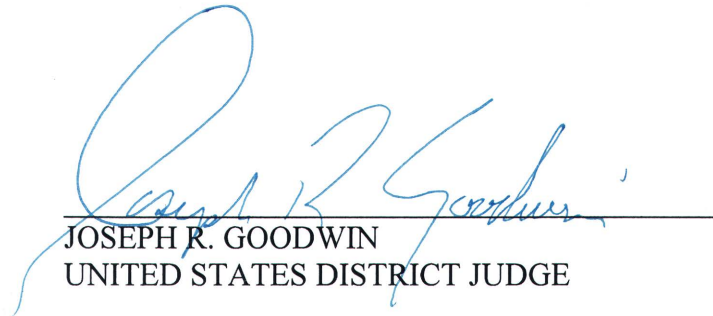
**IT IS ORDERED THAT:**

1. The Unopposed Motion is **GRANTED**.
2. Neil G. Baron is hereby appointed as the Settlement Master for the administration of the settlement reached between The Law Offices of A. Craig Eiland, P.C., and Defendants Covidien related to the implantation of Defendants Covidien Pelvic Repair Products (as defined in the Settlement Agreement).
3. The duties of the Settlement Master shall be agreed by Plaintiffs' Counsel and Defendants Covidien.
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, Defendants Covidien 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 2:10-md-2187 and it shall apply to each member case, where applicable, previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:17-cv-00184. 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.wvsc.uscourts.gov](http://www.wvsc.uscourts.gov).

ENTER: January 24, 2017



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE