

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

**IN RE: C.R. BARD, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2187

**PRETRIAL ORDER # 248
(ORDER APPROVING THE ESTABLISHMENT OF THE
BARTIMUS/GOZA-COVIDIEN QUALIFIED SETTLEMENT
FUND)**

Pending is an Unopposed Motion for Approval of the Establishment of the Bartimus/Goza-Covidien Qualified Settlement Fund, filed April 14, 2017. [ECF No. 3560]. Bartimus, Frickleton, and Robertson, P.C., as counsel for certain Plaintiffs in this MDL 2187, have 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 Bartimus, Frickleton, and Robertson, Goza & Honnold, and Covidien LP and their related and affiliated entities (“Covidien”) as defined in the MSA, (collectively, the “Parties”) to resolve the claims of those certain Plaintiffs against Covidien, relating Covidien pelvic mesh products.

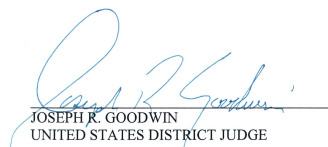
In particular, the Parties Motion seeks an order to (1) approve establishment of the Bartimus/Goza-Covidien Qualified Settlement Fund, (2) approve the terms of the Escrow Agreement attached to the accompanying Motion as Exhibit A, (3) retaining continuing jurisdiction and supervision over the Settlement Agreement; and (4) determining that the Fund for Covidien pelvic mesh product settlements, constitutes a “qualified settlement fund” within the meaning of Section 468B of the Internal Revenue Code of 1986, as amended (the “Code”), and its accompanying Treasury Regulations, Treas. Reg. Section 1.468B-1 *et seq.* (the “Regulations”).

Upon the Motion of Plaintiffs, and for good cause shown, the Court hereby **FINDS** and **ORDERS** as follows:

1. The Unopposed Motion is **GRANTED**.
2. Establishment of the Bartimus/Goza-Covidien Qualified Settlement Fund (the “Fund”) is approved and the Court retains jurisdiction thereof. The Fund shall be operated in a manner consistent with the rules of Treasury Regulation Section 1.468B-1. The Fund shall remain open to receive settlement amounts consistent with the terms of Master Settlement Agreement between Bartimus, Frickleton, and Robertson, Goza & Honnold, and Defendant, Covidien, LP and associated entities (“Covidien”), subject to approval by Covidien, as described in the accompanying Motion.
3. The terms of the Escrow Agreement attached to the Motion as Exhibit A are approved.

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 2:17-cv-01964. 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: April 18, 2017


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE