

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

In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation	MDL No. 2187 Hon. Joseph R. Goodwin
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PRETRIAL ORDER # 258
ORDER APPOINTING J. CHRISTOPHER KLOTZ AS SETTLEMENT MASTER
FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN COVIDIEN LP AND
AYLSTOCK, WITKIN, KREIS & OVERHOLTZ, PLLC
AND PARTICIPATING LAW FIRMS

Pending is an Unopposed Motion to Appoint Special Master, filed May 24, 2017. [Docket 3793]. Aylstock, Witkin, Kreis & Overholtz, PLLC and Participating Law Firms (collectively referred to herein as “Plaintiffs’ Counsel”) have entered into a separate Confidential Master Settlement Agreement (the “Settlement Agreement”) with Covidien¹, 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 J. Christopher Klotz is well-qualified to perform these and other functions discussed below.

IT IS HEREBY ORDERED:

1. The Unopposed Motion to Appoint Special Master is **GRANTED**.

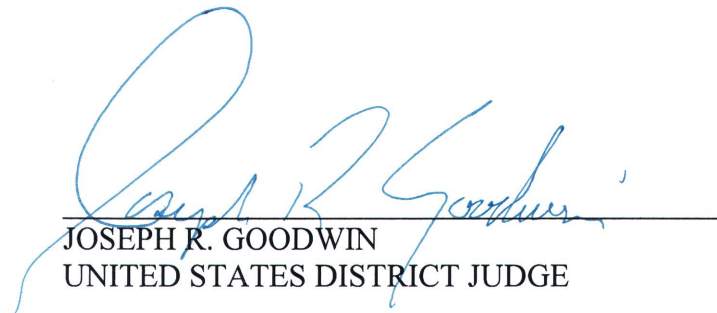
¹ “Covidien” shall mean Covidien LP, Tyco Healthcare Group LP, Covidien Holding Inc., Covidien Inc., Covidien plc, United States Surgical Corporation, Sofradim Production, Tissue Science laboratories, Limited, Medtronic Inc., and Medtronic plc, and their related and affiliated entities.

2. J. Christopher Klotz is hereby appointed as Settlement Master for the administration of the settlement reached between Plaintiffs' Counsel and Covidien, and is authorized to (a) develop an equitable model for allocation of the Settlement Amount among the Settling Claimants, (b) review the facts of each Settling Claimant's case and apply the same to the allocation model to determine individual Settling Claimant allocations, and (c) to carry out any and all other duties necessary to equitably allocate the Settlement Amount among the Settling Claimants, consistent with the terms of the parties' Master Settlement Agreement.

3. The court has reviewed the Affidavit of Mr. Klotz attached as Exhibit 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, which includes counsel in all member cases up to and including civil action number 2:17-cv-3286. 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: June 27, 2017


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

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AFFIDAVIT OF J. CHRISTOPHER KLOTZ

STATE OF FLORIDA)
) ss.:
COUNTY OF ESCAMBIA)

J. CHRISTOPHER KLOTZ, being duly sworn, deposes and says:

1. I am an attorney at law licensed to practice law in the States of Florida, Alabama, Mississippi and the District of Columbia. I am in good standing in all states.

2. I was admitted to the Florida Bar in November, 2007; the Alabama Bar in September, 2008; the Mississippi Bar in September, 1992; and the District of Columbia Bar in October, 1993.

3. I have an "AV Preeminent" rating with Martindale Hubble.

4. From 1999 to the present, my law practice has included creating mass tort allocation models and settlement matrices for multi-plaintiff aggregate settlements in excess of \$120 million. Almost exclusively, these allocation models concerned medial product or medical device cases that required medical history analysis and medical course of treatment analysis.

5. For the past 18 years, I have extensive experience in the medical evaluation of bodily injury claims, and in the valuation and creation of injury matrices for settlement valuation.

6. I have experience in equitably dividing aggregate settlements among participating claimants. I have knowledge and familiarity with the nature of the claims asserted and the

injuries alleged by the Settling Claimants herein. (See Exhibit A, Curriculum Vitae of J. Christopher Klotz).

7. I have been appointed Settlement Master in Trans Vaginal Mesh settlement *Clarissa Pollard, et al v. C.R. Bard, Inc.* by the agreement of the parties and upon application to the Court.

8. I have thoroughly familiarized myself with the issues involved in the case captioned above. As a result of my knowledge of that case, I can attest and affirm that there are no grounds for disqualification that would prevent me from serving as a Settlement Master in the above captioned matter.

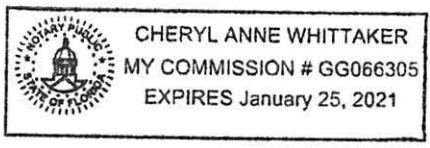
9. I have reviewed the pleadings, medical information and scientific information pertaining to mesh cases generally and specifically as it relates to the litigation involving Covodian, Inc. manufactured products. I will use the information gathered and my experience in performing my duties as Settlement Master.



J. CHRISTOPHER KLOTZ

Sworn to before me this 2nd day of June, 2017.





CERTIFICATE OF SERVICE

I hereby certify that on June 6 2017, a copy of the foregoing document was electronically filed. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's System.

s/ Bryan F. Aylstock
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