

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

CHARLESTON DIVISION

IN RE: C. R. Bard, Inc.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

Honorable Joseph R. Goodwin

MDL No. 2187

PRE TRIAL ORDER NO. 265
(ORDER ESTABLISHING QUALIFIED SETTLEMENT FUND
AND APPOINTING ADMINISTRATOR – SANDERS PHILLIPS GROSSMAN, LLC)

Pending is an Unopposed Motion to Establish Qualified Settlement Fund and Appoint Administrator, filed June 22, 2017. [ECF No. 4009]. Also pending is an Unopposed Motion to Establish Qualified Settlement Fund and Appoint Administrator, filed August 30, 2017. [ECF No. 4463]. Sanders Phillips Grossman, LLC (“*SPG*”), as counsel for certain Plaintiffs in this MDL 2187, has moved the Court for entry of an Order establishing a qualified settlement fund pursuant to Internal Revenue Code § 468B and Treasury Regulations § 1.468B-1 *et seq.* and appointing an administrator for the purpose of facilitating the settlement of certain tort claims against Covidien (“*Covidien*”) relating to alleged personal injuries arising from Covidien pelvic mesh products, to which Covidien does not object. The Court, having reviewed the Motion, and finding good and sufficient cause, **FINDS** and **ORDERS** the following:

1. The Unopposed Motion to Establish Settlement Fund and Appoint Administrator [ECF No. 4009] is **DENIED AS MOOT**;

2. The Unopposed Motion to Establish Qualified Settlement Fund and Appoint Administrator [ECF No. 4463] is **GRANTED**;

3. The terms of the Qualified Settlement Fund Agreement are approved;

4. The SPG TVM Qualified Settlement Fund (“**QSF**”) is established as a qualified settlement fund within the meaning of Internal Revenue Code § 468B 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 QSF is dissolved;

5. The Garretson Resolution Group, Inc. (“**GRG**”) is appointed as the administrator (“**Administrator**”) of the QSF. The Administrator shall serve without bond;

6. The Administrator shall have the authority to conduct any and all activities necessary to administer the QSF and shall administer the QSF in accordance with the terms, conditions, and restrictions set forth in the Motion, Confidential Master Settlement Agreement (“**MSA**”), and Qualified Settlement Fund Agreement to be entered into among SPG and GRG. The Qualified Fund Agreement is attached as Exhibit A to the Unopposed Motion [ECF No. 4463];

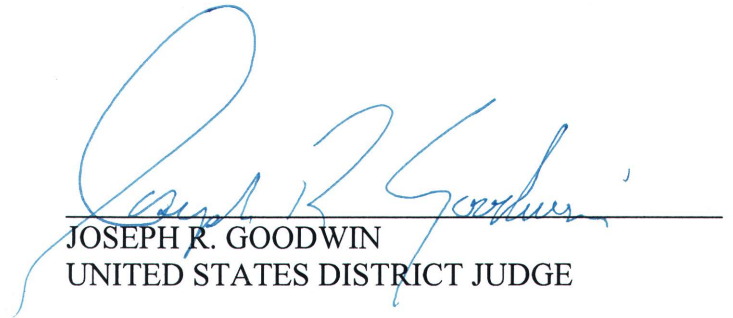
7. The QSF may be used for the resolution of tort claims by SPG Plaintiffs against other settling defendants relating to alleged personal injuries arising from pelvic mesh products, and the Administrator may create individual sub-accounts within the QSF for each subsequent settlement, upon approval of the Court, with a settling defendant (“**Sub-Account**”). The QSF and all Sub-Accounts shall constitute a single qualified settlement fund within the meaning of Internal Revenue Code § 468B and Treasury Regulations § 1.468B-1 *et seq.*;

8. The creation of the Covidien Sub-Account within the SPG TVM Qualified Settlement Fund is approved. The Covidien Sub-Account Addendum is attached as Exhibit 1 to the Unopposed Motion [ECF No. 4463-2];

9. The Administrator is authorized, upon final distribution of all monies paid into the QSF and allocated to Plaintiffs, to take appropriate steps to wind down the QSF, and thereafter shall be discharged from any further responsibility with respect to the QSF.

The Court DIRECTS the Clerk to file a copy of this Order in 2:10-md-02187 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-04155. 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, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE