

**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 # 266
(APPROVING QUALIFIED SETTLEMENT FUND SUB-ACCOUNT – SPG)**

Pending is an Unopposed Motion for Approval of a Qualified Settlement Fund Sub-Account, filed September 13, 2017. [ECF No. 4503]. Sanders Phillips Grossman LLC. (“SPG”), 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 SPG and C. R. Bard, Inc., (“Bard”, as defined in the MSA) (collectively, the “Parties”) to resolve the claims of Claimants, as defined in the MSA, against Bard relating to Bard Pelvic Products, as defined in the MSA.

In particular, the Parties’ Motion seeks an Order approving the creation of the SPG TVM Settlement Fund Bard Sub-Account (the “Bard Sub-Account”).

The Court has reviewed the Unopposed Motion to Establish Qualified Settlement Fund and Appoint Administrator [ECF No. 4463] in MDL 2187 and entered the SPG TVM Order. *See* PTO # 265 [ECF No. 4664]. Now, having reviewed the Unopposed Motion for Approval of Qualified Settlement Fund Sub-Account [ECF No. 4503], and finding good and sufficient cause, **FINDS** and **ORDERS** as follows:

- 1) The Unopposed Motion for Approval of Qualified Settlement Fund Sub-Account [ECF 4503] is **GRANTED**.
- 2) The creation of the Bard Sub-Account is hereby approved and established within

the SPG TVM Qualified Settlement Fund, for which The Garretson Resolution Group, Inc., has been appointed as Administrator and Esquire Bank is the Custodian

3) The Bard Sub-Account shall be administered consistent with the Bard Sub-Account Addendum, filed with the Unopposed Motion for Approval of Qualified Settlement Fund Sub-Account, and the MSA.

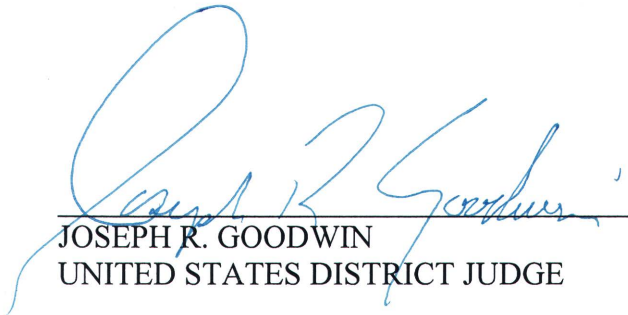
4) The Custodian shall invest the monies received by the Bard Sub-Account, which include all principal and interest earned thereon, in instruments/securities comprised of (i) United States Agency, Government Sponsored Enterprises or Treasury securities or obligations (or a mutual fund invested solely in such instruments); (ii) Government money market funds permitted under the requirements of Rule 2A-7 under the Investment Company Act of 1940; and/or (iii) deposit and similar interest-bearing or non-interest bearing accounts subject to Federal Deposit Insurance Corporation protections as available; solely for the short-term purpose of clearing checks and wires upon disbursement, with the condition that all remaining funds not being deemed ready for disbursement held off the bank balance sheet.

5) The funds in the Bard Sub-Account shall be disbursed only pursuant to a joint written instruction signed by SPG and on behalf of Bard, specifying the payment(s) and payee(s) consistent with the MSA, which includes provisions for payments into the MDL 2187 Fund and for the payment of liens, and a Blocked Account Agreement among SPG, Bard, and the Administrator.

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-04163. 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.

ENTER: October 16, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE