

**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)	MDL No. 2187
)	
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**PRETRIAL ORDER # 274
(Order Re: Qualified Settlement Fund – Wagstaff & Cartmell, LLP)**

Wagstaff & Cartmell, LLP (“Claimants’ Counsel”), as counsel for certain plaintiffs in *In Re: Bard, Inc., Pelvic Repair System Products Liability Litigation* MDL 2187 (S.D. W.Va.), 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 Claimants’ Counsel and C. R. Bard, Inc. (“Defendant”), as defined in the MSA being entered into by the Parties, 2017. [ECF No. 5027]. In particular, the Motion seeks an Order (1) approving the form of escrow agreement (“Wagstaff Cartmell Bard Escrow Agreement”), which forms a settlement escrow account named the Wagstaff Cartmell Bard Settlement Fund (“Settlement Escrow”) pursuant to the terms of the MSA and the Wagstaff Cartmell Bard Escrow Agreement established under the MSA, (2) retaining continuing jurisdiction and supervision over the Settlement Escrow, (3) determining that the Settlement Escrow is a “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“Code”) and Treasury Regulation sections 1.46B-1, et seq. (Regulations”), and appointing a Qualified Settlement Fund Administrator (“QSF Administrator”).

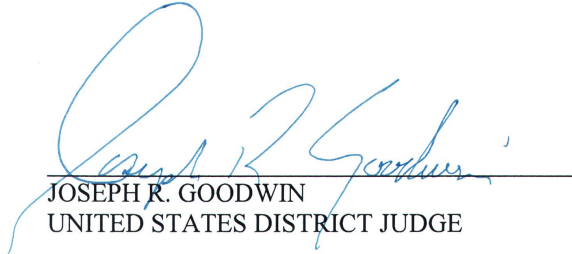
The Court, having reviewed the Motion and the Wagstaff Cartmell Bard Escrow Agreement, and finding good and sufficient cause therefore, hereby **FINDS** and **ORDERS** as follows:

- (1) The Unopposed Motion [ECF. No. 5027] is **GRANTED**;
- (2) The terms of the Wagstaff Cartmell Bard Escrow Agreement are hereby approved;
- (3) The Settlement Escrow constitutes a qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986 as amended (the “Code”) and Treasury Regulation sections 1.46B-1 *et seq.* The Court further retains continuing jurisdiction and supervision over the Settlement Escrow, in accordance with the terms of the Wagstaff Cartmell Bard Escrow Agreement
- (4) The Court appoints Providio MediSolutions LLC (“Providio”) as the QSF Administrator of the Settlement Escrow, which shall be held at Hawthorn Bank (the “Bank”);
- (5) Distributions shall be made from the Settlement Escrow pursuant to a joint written instruction signed by Claimants’ Counsel and on behalf of Bard, except as otherwise provided for in the Wagstaff Cartmell Bard Escrow Agreement;
- (6) In accordance with instructions provided by the QSF Administrator, the Bank shall invest the Settlement Escrow and the earnings thereon in (a) any obligations of, or any obligation guaranteed as to principal and interest by, the United States of America or any agency or instrumentality thereof; (b) Government money market funds permitted under the requirements of Rule 2A-7 under the Investment Company Act of 1940; (c) interest bearing and non-interest bearing bank accounts subject to Federal Depository Insurance Corporation guarantees, solely for the short-term purpose of clearing checks and wires upon disbursement, with the condition that funds are only held in this manner for

distribution of client funds and all remaining funds not being deemed ready for disbursement held off the bank balance sheet; and/or (d) certificates of deposit subject to Federal Depository Insurance Corporation guarantees which may be held in the custody account or at the issuer bank, either individually or through use of the Certificate of Deposit Account Registry Service (“CDAR”) pursuant to a CDARS Deposit Placement Agreement with the custody bank.

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 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 2:18-cv-00021. 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 : January 8, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE