

**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

PRETRIAL ORDER # 279

**(ORDER ESTABLISHING QUALIFIED SETTLEMENT FUND AND APPOINTING
ADMINISTRATOR - SEEGER WEISS LLP**

Upon motion of Seeger Weiss LLP (“*SW*”), as counsel for certain Plaintiffs in this MDL 2187, requesting the Court to enter 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 LP and related entities (“*Covidien*”) relating to alleged personal injuries arising from Covidien Pelvic Repair Products, to which Covidien does not object, and for good cause shown, it is hereby

ORDERED:

1. The Motion [ECF No. 5459] is **GRANTED**.
2. The Seeger Weiss 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.
3. The Garretson Resolution Group, Inc. (“*GRG*”) is appointed as the administrator (“*Administrator*”) of the QSF. The Administrator shall serve without bond.

4. 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 between SW and GRG.

5. Evolve Bank & Trust (“*Evolve*”) is appointed as the custodian of the QSF.

6. The QSF may be used for the resolution of tort claims by SW 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 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.*

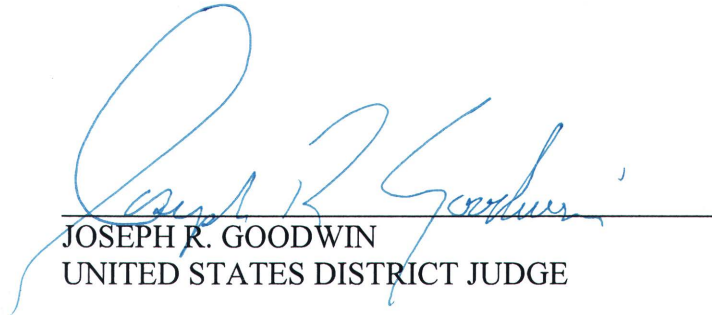
7. The Covidien Sub-Account is hereby approved and established as a sub-account within the QSF.

8. 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 2:18-CV-00467. 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: March 29, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE