

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

CHARLESTON DIVISION

**IN RE: C. R. BARD, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2187

Hon. Joseph R. Goodwin

**PRETRIAL ORDER # 280
(ORDER APPOINTING CATHY YANNI AS SETTLEMENT MASTER
FOR PRIVATE MASTER SETTLEMENT AGREEMENT BETWEEN C. R. BARD AND
LOCKRIDGE GRINDAL NAUEN P.L.L.P)**

Lockridge Grindal Nauen P.L.L.P (“Plaintiffs’ Counsel”) has entered into a confidential Master Settlement Agreement (the “MSA”) with C. R. Bard, Inc. (“Bard”) to resolve claims related to the implantation of Bard Pelvic Products (as defined in the MSA). Plaintiffs’ Counsel desires the approval of this Court to engage a Settlement Master to perform certain defined functions related to the administration and implementation of the MSA. Plaintiffs’ Counsel believes that Cathy Yanni is well-qualified to perform these functions.

Accordingly, Plaintiffs’ Counsel requests that the Court, pursuant to its inherent case management powers, approve the engagement of Cathy Yanni to assist in the administration and implementation of the MSA, with the authority to:

- Allocate and order the disbursement of available settlement funds among the claimants pursuant to the terms of the MSA and in a manner that provides fair and reasonable compensation for each based on the facts and circumstances of this litigation, including the

risk to all parties of litigation, the cost, the time delay, the medical evidence, the science, the compensation circumstances, and the inherent risk of litigation generally;

- Serve as mediator of claims as may be jointly requested by Plaintiffs' Counsel and Bard; and
- As agreed to by the various Participating Law Firms under the MSA and their respective clients, serve as the final and binding arbitrator of any and all appeals by claimants to a settlement allocation.

Bard does not oppose Plaintiffs' Counsel's request. The Court, pursuant to its inherent authority, and having considered the request, and cognizant of the important public policy of encouraging settlement among litigating parties, hereby issues the following Order.

IT IS ORDERED THAT:


1. Cathy Yanni, JAMS, Two Embarcadero Center, Suite 1500, San Francisco, CA 94111, is hereby appointed as the Settlement Master for the administration of the settlement reached between Lockridge Grindal Nauen P.L.L.P and Bard, related to the implantation of Bard Pelvic Products.
2. The duties of the Settlement Master shall be as set forth in the confidential MSA entered into between Plaintiffs' Counsel and Bard.
3. Subject to approval and Order of the Court, any firm settling claims against Bard related to its pelvic repair products may engage the Settlement Master to perform the duties as set forth in the MSA. When so approved by the Court, this Order shall apply.
4. In furtherance of the fair and efficient administration and implementation of the MSA, the Settlement Master may have *ex parte* communications with the parties to the MSA,

Plaintiffs' Counsel and their clients, Bard and its counsel, or the Court, and such *ex parte* communications shall not be deemed to have waived any attorney-client privileges.

5. The Settlement Master shall be compensated privately as specified by agreement with Plaintiffs' Counsel.
6. An affidavit by the Settlement Master has been submitted and is attached hereto.
7. The Settlement Master shall report to the Court as requested by the Court.

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-00552. 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: April 13, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE