

**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

---

**PRETRIAL ORDER NO. 287**  
**(ORDER APPOINTING LYNN BAKER AS SETTLEMENT MASTER**  
**FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN ETHICON AND CERTAIN**  
**PLAINTIFFS' COUNSEL)**

Erin Copeland (“Plaintiffs’ Counsel”) has entered into a Confidential Master Settlement Agreement (the “MSA”) with Defendants Covidien,<sup>1</sup> to resolve the claims related to the implantation of Covidien’s Pelvic Repair Products, as defined in the MSA, for certain plaintiffs in *In Re: C. R. Bard, Inc. Pelvic Repair Systems Products Liability Litigation*, MDL 2187 (S.D. W.Va.) and Missouri, St. Louis County Circuit Court. Pursuant to the provisions of the MSA, Plaintiffs’ Counsel has moved the Court to appoint a Settlement Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Professor Lynn A. Baker is well-qualified to perform these and other functions discussed below.

Accordingly, Plaintiffs’ Counsel request, pursuant to the Court’s inherent case management powers, the appointment of Professor Lynn A. Baker to assist in the administration and implementation of their settlement with Covidien, with the authority to:

- Review, and revise as appropriate, the calculation, allocation, division and distribution of settlement payments among the claimants to ensure that fair and reasonable compensation is afforded each claimant based on the facts and circumstances of this

---

<sup>1</sup> “Covidien” shall mean Covidien LP, Tyco Healthcare Group LP, Covidien Holding Inc., Covidien Inc., Covidien plc, United States Surgical Corporation, Sofradim Production, Tissue Science Laboratories, Limited, Medtronic Inc., and Medtronic plc, and their related and affiliated companies.

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; and

- Serve as facilitator to aid in the resolution of any disputes that may arise related to the categorization and allocation of settlement values to claims under the terms of the Settlement Agreement.

Covidien 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:**

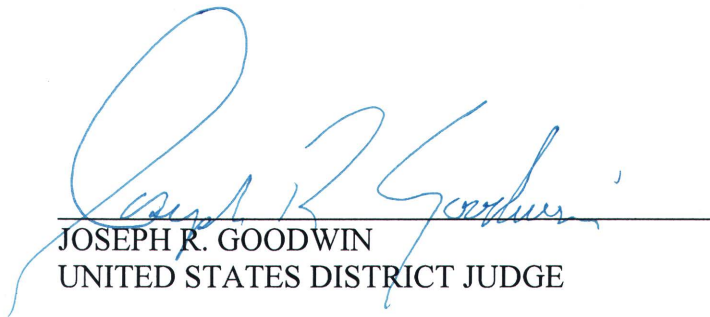
1. The Unopposed Motion [ECF No. 5831] is **GRANTED**.
2. Lynn A. Baker, Austin Law and Economics Consultants, Inc., 3101 Lating Stream Lane, Austin, TX 78746, is hereby appointed as the Settlement Master for the administration of the settlement reached between Erin Copeland and Covidien, related to the implantation of Covidien's Pelvic Repair Products, as defined in the Settlement Agreement.
3. The duties of the Settlement Master are set forth above. A purpose of this Order is to provide all parties and their counsel with notice of the availability of the Settlement Master to assist in the process of settling claims related to Covidien Pelvic Repair Products.
4. The Settlement Master shall be compensated privately by all claimants for services rendered to them. The fees of the Settlement Master shall be subject to the review of the Court upon written request of any party or of the Settlement Master.
5. Subject to approval and Order of the Court, the Settlement Master shall be retained on behalf of the settling claimants with claims against Covidien related to its pelvic repair system

products to perform the duties as set forth in herein. When so approved by the Court, this Order shall apply.

5. 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-2187 and it shall apply to each claimant related case previously transferred to, removed to, or filed in this district which includes counsel in all member cases up to and including civil action number 2:18-cv-001059. In cases subsequently filed in this diistrict, 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 the 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](http://www.wvsd.uscourts.gov).

**ENTER:** July 13, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE