

**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**  
 )  
**THIS DOCUMENT RELATES TO:** )  
\_\_\_\_\_ )

**PRETRIAL ORDER # 288  
(ORDER APPOINTING THE SETTLEMENT ALLIANCE/MATTHEW W.  
FRAZIER. AS SETTLEMENT MASTER FOR PRIVATE SETTLEMENT  
AGREEMENTS BETWEEN COVIDIEN AND CERTAIN PLAINTIFFS’  
COUNSEL)**

Fibich, Leebron, Copeland & Briggs (“Plaintiffs’ Counsel”) has entered into a separate Confidential Settlement Agreement (the “Settlement Agreement”) with Covidien LP and related entities defined by agreement as “Covidien” to resolve the claims related to the implantation of Covidien Pelvic Mesh Products (as defined in the Settlement Agreement). Under the provisions of the Settlement Agreement, Plaintiffs’ Counsel has agreed to seek the approval of this Court to appoint a Settlement Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs’ Counsel believes that The Settlement Alliance/Matthew W. Frazier 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 The Settlement Alliance/Matthew W. Frazier to assist in the administration and implementation of their settlement with Covidien, with the authority to:

- Determine that the calculation, allocation, division, and distribution of settlement payments among the claimants pursuant to the terms of the Settlement Agreement provides for fair

and reasonable compensation for each client based on the facts and circumstances of this litigation, including the risk to all parties of litigation, evidence of Plaintiffs' injuries and damages, the cost, the time delay, the medical evidence, the science, the compensation circumstances, and the inherent risk of litigation generally;

- Serve as an arbitrator in binding arbitration for any insurance companies or other third-parties who agree in writing with Plaintiffs' Counsel to submit any disputes regarding whether or not health care coverage and reimbursement claims fall within the scope of the litigation and therefore subject to insurance liens or subrogation rights and, if so, the amount of such liens under terms of the applicable agreements between counsel and the insurer;
- Serve as a mediator of claims if jointly requested by Plaintiffs' Counsel and Covidien; and
- As agreed to by Plaintiffs' counsel and their clients, serve as the final and binding arbitrator on any and all Appeals asserted by claimants to the settlement allocation.

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

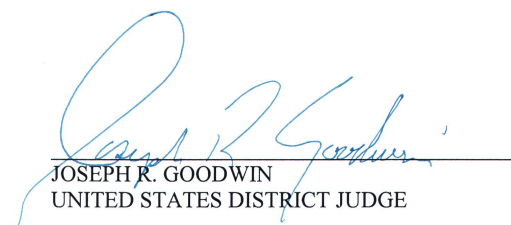
**IT IS ORDERED THAT:**

1. The Settlement Alliance/Matthew W. Frazier, 1775 St. James Place, Suite 200, Houston, Texas 77056, is hereby appointed as the Settlement Master for the administration of the settlement reached between Plaintiffs' Counsel and Covidien, related to the implantation of Covidien Pelvic Mesh Products (as defined in the Settlement Agreement).
2. The duties of the Settlement Master shall be set forth in the confidential Settlement Agreement entered into between Plaintiffs' Counsel and Covidien.

3. In furtherance of the fair and efficient administration and implantation of the settlements, the Settlement Master may have ex parte communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, Covidien and its counsel, and such ex parte communications shall not be deemed to have waived any attorney-client privileges.
4. The Settlement Master shall be compensated privately as specified respectively in the Settlement Agreement or by agreement with Plaintiffs' Counsel.
5. An affidavit by the Settlement Master has been submitted and is attached hereto as Exhibit A.
6. The overview of Special Master and Mass Tort Settlement Services for The Settlement Alliance is attached hereto as Exhibit B.
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 2:18-cv-01059 where applicable. 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](http://www.wvsd.uscourts.gov).

**ENTER:** July 17, 2018

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

# EXHIBIT A

**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**  
 )  
**THIS DOCUMENT RELATES TO:** )  

---

 )

**AFFIDAVIT OF MATTHEW W. FRAZIER**

STATE OF TEXAS )

COUNTY OF HARRIS )

MATTHEW W. FRAZIER, being duly sworn, deposes and says:

1. I am an attorney at law licensed to practice in the state of Texas. I have always been and remain in good standing.

2. I was admitted to the State Bar of Texas in November 2007 and have been practicing law since that time.

3. The Settlement Alliance, LLC (“TSA”) has been a full-service claims administration company specializing in mass tort settlement administration since 2014. TSA has been appointed in various mass tort settlements as the Fund Administrator, Trustee, Settlement Master, and Special Master in numerous jurisdictions for thousands of settling claimants, as well as serving as a third-party Allocation Neutral. I joined TSA as Chief Operating Officer in January 2016. With joining TSA, I have worked on various mass tort settlements as the Fund Administrator, Trustee, Settlement Master and Special Master in addition to third party Allocation Neutral. The mass torts where TSA has acted as Settlement Master, Special Master and/or third-party Allocation Neutral include transvaginal mesh and various other mass torts. In particular, we have administered settlements of

tens of thousands transvaginal mesh claimants over the past three years.

4. I have thoroughly familiarized myself with the issues involved in the case captioned above. As a result of my knowledge of that case, I can attest and affirm that there are no grounds for disqualification that would prevent TSA and/or me from serving as Settlement Master in the above captioned matter. I have reviewed the pleadings, medical information and scientific literature pertaining to mesh cases generally and specifically as related to the litigation involving Covidien manufactured products. TSA also has a staff of nurses and physician assistants to assist in medical reviews as well as obtain additional experts, if necessary, for the performance of services as a Settlement Master. I will use the information gathered and my experience in performing my duties as Settlement Master.

  
MATTHEW W. FRAZIER

**STATE OF TEXAS  
COUNTY OF HARRIS**

This instrument was acknowledged before me on April 20, 2018 by Matthew W. Frazier.

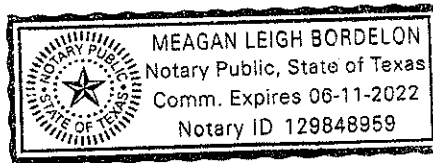


Notary Public

Printed Name: Meagan Bordelon

My Commission Expires:

6-11-22



# EXHIBIT B

# **THE SETTLEMENT ALLIANCE**

The Settlement Alliance provides comprehensive financial planning and settlement services to attorneys and their clients. Our settlement planners draw upon decades of industry experience to create customized solutions for personal injury victims and their families. Working with leading law firms across the country, we are able to adeptly handle both simple and complex cases because we've aligned:

## **The Best Products**

Our company provides the most comprehensive array of settlement services in the country, from Los Angeles to Houston to New York City. We partner with the highest-rated insurance carriers providing structured settlements, and work with many of the top corporate trustees and wealth management firms in the country to give our clients access to the best products and providers in the business. In addition, we have formed strategic partnerships with companies that can assist with any aspect of a personal injury case. We routinely work with corporate trustees, elder law attorneys, life care planners, economists, long-term care management specialists, lien resolution attorneys, and many others during the litigation process. These relationships allow us to serve as the knowledgeable and sensitive point of contact for the attorneys and their clients from case intake to final resolution. The Settlement Alliance is a full-service organization committed to providing the best products while delivering quality results for our clients from start to finish.

## **The Best Processes**

Our team has its own proprietary settlement technologies and processes that fully integrate and optimize the settlement process. Combined with outstanding customer service, our systems help us to provide efficient and effective case management, during both the pre-and-post settlement process. Thanks to our advanced technology and experienced staff, we are able to expedite the settlement process and provide the best service to our clients.

## **The Best People**

The Settlement Alliance brings together the most respected and knowledgeable professionals in the settlement planning industry. Our team genuinely cares, and we remain passionate and focused on protecting the financial futures of those receiving settlement awards. Whether you require assistance on a single case or need help developing and administering a mass tort settlement involving thousands of cases, The Settlement Alliance has successfully completed a task like yours before, and will do it again with unrivaled detail-oriented service and superior results.

## **Lasting Service**

At The Settlement Alliance, we are focused on building long-standing relationships with attorneys and their clients. Our commitment to service enables our company to obtain business from hundreds of leading law firms across the country on an annual basis. The attorneys that partner with our firm understand that our settlement planners always have their clients' best interests at



heart. Our team fully expects that every personal injury or wrongful death client we do business with will remain our client for life. The Settlement Alliance will be there whenever you have a simple question or are in immediate need of advice regarding a complex issue.

## **Mass Tort Settlement Planning & Resolution**

The Settlement Alliance has become the authority in mass tort fund administration and claims administration. Many of the leading mass tort law firms turn to our team of experts to coordinate mass tort projects of all sizes. Mass tort litigation projects involve complex, ever-evolving compliance requirements, ethics rules, and a host of unique legal and regulatory issues—all of which we are prepared to handle.

Our team has worked on tens of thousands of claims across the country, including pharmaceutical and medical device settlements on behalf of injured minors and adults, massive refinery and oil platform explosions, including the British Petroleum Texas City refinery incident (2005) and Deepwater Horizon explosion and oil spill in the Gulf of Mexico (2010). Our settlement planners and staff have also worked on over 3,500 pharmaceutical-related birth defect and childhood injury cases in the last four years alone.

### **What Settlement Planning Accomplishes for Mass Tort Plaintiffs**

Attorneys representing plaintiffs involved in mass tort litigation are legally required to ensure that their clients understand their options prior to receiving settlement funds. In order to protect their assets and secure their financial futures, our team evaluates how each claimant's forthcoming settlement could affect their current and future government benefit eligibility. Our dedicated mass tort team works alongside your law firm throughout the settlement process to make certain that clients are properly educated and protected.

The Settlement Alliance offers scalable, customized solutions to ensure law firm compliance, streamline administration, minimize costs, and reduce the time needed for cases to conclude.

### **Scalable Solutions for Your Mass Tort Cases**

- QSF Administration
- Government Benefit Protection
- Travel Coordination and Case Mapping
- Structured Settlements
- Trust Services
- Lien Resolution
- Dedicated Claims Management Center
- Special Master/Guardian Ad Litem/Court Coordination

## **How Your Firm Benefits**

- Streamlined Administration
- Minimized Costs/Set Fee Schedule
- Reduced Settlement Funding Time
- Compliance

With federal and state compliance requirements and guidelines constantly changing, mass tort litigators are particularly vulnerable to penalties for non-compliance. The Settlement Alliance has already helped hundreds of law firms successfully navigate the complexities of the mass tort settlement planning and administration process. Call us today to learn about our unique approach and how we can help you take care of your clients as quickly and efficiently as possible.