

**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

HONORABLE JOSEPH R. GOODWIN

**PRETRIAL ORDER # 295
(Order Establishing Qualified Settlement Fund and Appointing Administrator)**

Upon motion of Lockridge Grindal Nauen P.L.L.P. (“*Lockridge Grindal*”) 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 administration of a confidential Master Settlement Agreement (“*MSA*”) between Lockridge Grindal and C. R. Bard, Inc. (“*Bard*,” as defined in the MSA) relating to certain alleged Bard Pelvic Product-Related Injuries, as defined in the MSA, to which Bard does not object, and for good cause shown, it is hereby **ORDERED**:

1. The Unopposed Motion to Establish Qualified Settlement Fund and Appoint Administrator [ECF No. 6442] is approved.

2. The Lockridge Grindal Bard 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. Providio MediSolutions, LLC (“*Providio*”) is appointed as the administrator (“*Administrator*”) of the QSF, which shall be held at Huntington National Bank (the “*Bank*”). The Administrator shall serve without bond.

4. Distributions shall be made from the QSF, following an Order of the Special Master, pursuant to a joint written instruction signed by Lockridge Grindal and on behalf of Bard, except as otherwise provided for in the Lockridge Grindal Bard Escrow Agreement.

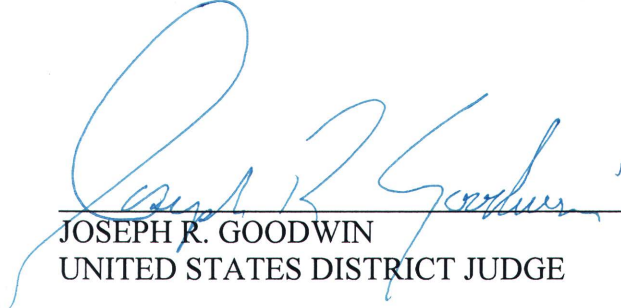
5. In accordance with instructions provided by the Administrator, the Bank shall invest the escrowed funds and the earnings thereon in (a) United States Agency or Treasury issued securities or obligations (or a mutual fund invested solely in such instruments); (ii) Government money market funds permitted under the requirements of Rule 2a-7 under the Investment Company Act of 1940; (iii) 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 (iv) 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.

6. 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, MSA, and Lockridge Grindal Bard Escrow Agreement between Lockridge Grindal, Bard and Providio.

7. The Administrator is authorized, upon final distribution of all monies paid into the QSF and allocated to Claimants, 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 2:12-md-02327 and it shall apply to each member related case. 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: October 11, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE