

**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 # 303
(ORDER RE: APPROVAL OF QUALIFIED
SETTLEMENT FUND – COVIDIEN – ANDRUS
WAGSTAFF)**

Pending is a Motion for Approval of Qualified Settlement Fund, filed December 31, 2018, by Andrus Wagstaff, P.C. (“AW”), as counsel for certain Plaintiffs in this MDL 2187, to which Defendant, Covidien has provided its consent. The motion seeks entry of an Order to aid in the efficient processing and administration of a confidential settlement agreement (the “Settlement Agreement”) between AW and Covidien to resolve the claims of those certain Plaintiffs (clients of) AW, as against Covidien, relating to the implant of Covidien pelvic mesh products.

In particular, the Motion seeks an Order: (1) approving the Providio MediSolutions, LLC Escrow Account (the “Settlement Escrow Account”), (2) where the Court retains continuing jurisdiction and supervision over the Settlement Escrow Account, and (3) determining that the Settlement Escrow Account constitutes a “qualified settlement fund” within the meaning of Section 468B of the Internal Revenue Code of 1986, as amended (the “Code”) and its accompanying Treasury Regulation Sections 1.468B-1 *et seq.*

The Court, having reviewed the Motion and finding good and sufficient cause, **FINDS** and **ORDERS** as follows:

- 1) The Motion [ECF No. 6916] is **GRANTED**.

- 2) The Settlement Escrow constitutes a qualified settlement fund within the meaning of Section 468B of the Internal Revenue Code of 1986, as amended, and its accompany Treasury Regulations under Section 1.468B-1 *et seq.*
- 3) The Court will retain continuing jurisdiction and supervision over the Settlement Escrow Account.
- 4) Providio MediSolutions, LLC shall serve as Fund Administrator. The Fund Administrator shall administer the Settlement Escrow Account pursuant to the terms and conditions of the Settlement Agreement.
- 5) Esquire Bank, NA will serve as the Escrow Agent that will hold the funds pursuant to the terms and conditions of the Settlement Agreement.
- 6) Further, the funds held by the Escrow Agent, and managed by the Escrow Agent shall only be disbursed by the Escrow Agent pursuant to and in conformity with the terms and conditions of the Settlement Agreement, which include provisions for payments into MDL funds as appropriate.
- 7) The Fund Administrator and Escrow Agent are granted the authority to take any actions consistent with the Settlement Agreement.
- 8) The Fund Administrator and Escrow Agent shall have the authority to conduct any and all activities necessary to administer the Settlement Escrow Account.

ENTERED: March 18, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE