

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

CHARLESTON DIVISION

IN RE: C.R. BARD INC.,	:	
PELVIC REPAIR SYSTEM PRO	:	MDL No. 2187
PRODUCTS LIABILITY LITIGATION	:	
	:	Judge Joseph R. Goodwin

**PRETRIAL ORDER # 310
APPROVAL OF LAMINACK, PIRTLE & MARTINEZ, LLP
BARD QUALIFIED SETTLEMENT FUND**

Laminack, Pirtle & Martines, L.L.P. (“Plaintiffs’ Counsel”), as counsel for certain plaintiffs in this MDL 2187 and other claimants, has moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential Master Settlement Agreement (the “MSA”) between Plaintiffs’ Counsel and Defendant C. R. Bard, Inc. (“Bard”). The Motion seeks an Order (1) establishing a qualified settlement Fund, the LPM Bard Qualified Settlement Fund, (“Settlement Fund” or “QSF”) pursuant to the terms of the MSA, (2) retaining continuing jurisdiction and supervision over the Settlement Fund (3) determining that the Settlement Fund is a “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“Code”) and Treasury Regulation sections 1.46B-1, et seq. (Regulations”); and (4) appointing a Qualified Settlement Fund Administrator (“QSF Administrator”).

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

1. The Unopposed Motion for Approval of LPM Bard Qualified Settlement Fund [ECF. No. 7356] is GRANTED;

2. The LPM Bard Qualified Settlement Fund shall be established as a qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986 as amended (the “Code”) and Treasury Regulation sections 1.46B-1 *et seq.* The Court

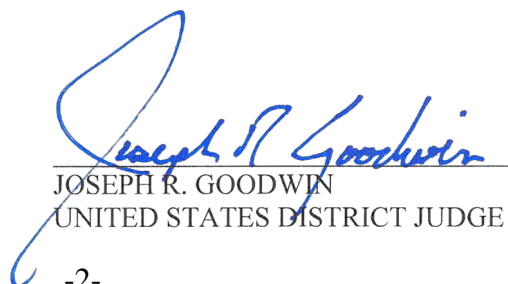
further retains continuing jurisdiction and supervision over the Settlement Fund, in accordance with the terms of the MSA;

3. The Court appoints Susan Soussan as the QSF Administrator of the Settlement Fund, which shall be held at Sun Trust Bank (the “Bank”);

4. No distributions shall be made from the Settlement Fund except pursuant to a joint written instruction signed by Plaintiffs’ Counsel and on behalf of Bard, specifying the payment(s) and payee(s) consistent with the MSA;

5. In accordance with instructions provided by the QSF Administrator, the Bank shall invest the monies deposited into the Settlement Fund and the earnings thereon in (a) any obligations of, or any obligation guaranteed as to principal and interest by, the United States of America or any agency or instrumentality thereof; (b) Government money market funds permitted under the requirements of Rule 2A-7 under the Investment Company Act of 1940; (c) 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 (d) 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.

IT IS SO ORDERED this 16th day of August, 2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE