

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

CHARLESTON DIVISION

IN RE: C. R. BARD, INC.)	
PELVIC REPAIR SYSTEMS)	
PRODUCTS LIABILITY LITIGATION)	
)	MDL NO. 2187
)	
THIS DOCUMENT RELATES TO:)	
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**PRETRIAL ORDER # 313
(ORDER APPOINTING ARCHER SYSTEMS/MATTHEW W. FRAZIER
AS SETTLEMENT MASTER FOR PRIVATE SETTLEMENT
AGREEMENT BETWEEN C. R. BARD, INC., AND JOHNSON LAW
GROUP)**

Johnson Law Group (“Plaintiffs’ Counsel”) has entered into a Confidential Master Settlement Agreement (the “Settlement Agreement”) with C. R. Bard, Inc. (“Bard”) to resolve claims related to the implantation of Bard Pelvic Products (as defined in the Settlement Agreement). Plaintiffs’ Counsel seeks the approval of this Court to engage a Settlement Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs’ Counsel believes that Archer Systems/Matthew W. Frazier is well-qualified to perform these functions.

Accordingly, Plaintiffs’ Counsel requests that the Court, pursuant to its inherent case management powers, approve the engagement of Archer Systems/Matthew W. Frazier to assist in the administration and implementation of the Settlement Agreement, 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 claimants' 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 are therefore subject to insurance liens or subrogation rights and, if so, the amount of such liens under terms of the applicable agreement between counsel and the insurer;
- Serve as a mediator of claims if jointly requested by Plaintiffs' Counsel and Bard; 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 a settlement allocation.

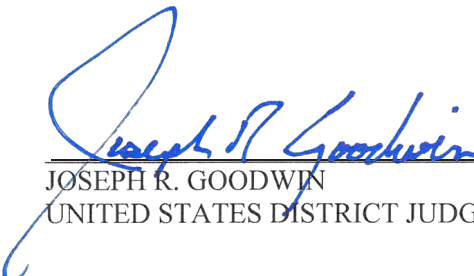
Bard does not oppose Plaintiffs' Counsel's request. The Court, pursuant to its inherent authority, and having considered the requests, and cognizant of the important public policy of encouraging settlement among litigating parties, hereby issues the following Order.

IT IS ORDERED THAT:

1. Archer Systems/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 Bard, related to the implantation of Bard Pelvic Products (as defined in the Settlement Agreement).
2. The duties of the Settlement Master shall be consistent with the terms of the confidential Settlement Agreement entered into between Plaintiffs' Counsel and Bard.

3. In furtherance of the fair and efficient administration and implementation of the settlement, the Settlement Master may have ex parte communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, Bard and its counsel, or the Court, 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 by agreement with Plaintiffs' Counsel.
5. An affidavit by the Settlement Master has been submitted and is attached hereto as Exhibit A.
6. The curriculum vitae of the Settlement Master is attached hereto as Exhibit B.
7. The Settlement Master shall report to the Court as requested by the Court.

ENTER: September 18, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT

A

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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. Archer Systems, LLC (and its predecessor, The Settlement Alliance, LLC) (“Archer”) has been a full-service claims administration company specializing in mass tort settlement administration since 2014. Archer 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 Archer as Chief Operating Officer in January 2016. Since joining Archer, I have worked on various


mass tort settlements as the Fund Administrator, Trustee, Settlement Master, Special Master, and third party Allocation Neutral. The mass torts where Archer 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 Archer 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 Ethicon manufactured products. Archer 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 June 19th, 2019 by Matthew W. Frazier.


Notary Public
Printed Name: Monica Casas

My Commission Expires:
2-3-21



EXHIBIT

B

ARCHER SYSTEMS, LLC

Archer Systems, LLC (“Archer”) provides comprehensive settlement planning and administration services to attorneys and their clients. Our settlement planners draw upon decades of industry experience to create customized solutions. **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. Archer 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

Archer 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, Archer has successfully completed a task like yours before, and will do it again with unrivaled detail-oriented service and superior results.

Lasting Service

At Archer, 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.

Archer 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

Archer 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 staff has also worked on tens of thousands transvaginal mesh cases over the last three 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.

Archer 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. Archer has already helped hundreds of law firms successfully navigate the complexities of the mass tort settlement planning and administration process.