

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: C.R. BARD PELVIC REPAIR)	MDL Docket No. 2187
SYSTEM PRODUCTS LIABILITY)	HONORABLE JUDGE JOSEPH R.
LITIGATION)	GOODWIN

PRETRIAL ORDER # 319

(ORDER RE: QUALIFIED SETTLEMENT FUND – MCSWEENEY LANGEVIN)

Pending is an Unopposed Motion for Approval of Qualified Settlement Fund, filed December 1, 2020. [ECF No. 7627]. McSweeney Langevin (“Plaintiff’s Counsel”), as counsel for certain plaintiffs in MDL No. 2187, has moved the Court for entry of an Order to aid in the efficient processing and administration of a Confidential Settlement Agreement (the “Settlement Agreement”) between Defendant Covidien LP and its related companies and McSweeney Langevin to resolve the claims of certain claimants against Covidien LP relating to the implant of Covidien Pelvic Mesh Products (as defined in the Settlement Agreement). The Court, having reviewed the Motion, and finding good and sufficient cause, FINDS and ORDERS the following:

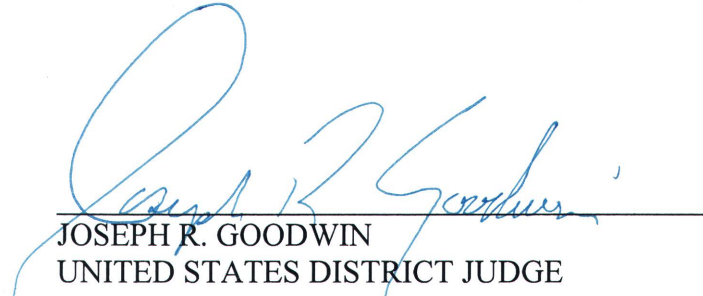
1. The Unopposed Motion [ECF No. 7627] is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of McSweeney Langevin, the McSweeney Langevin-Covidien Qualified Settlement Fund shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, pursuant to this court's continuing subject matter jurisdiction over

the underlying matter and consistent with Treas. Reg. Section 1.468B-1(c)(1). All settlements reached by and between Covidien LP and Plaintiffs in state or federal litigation or Claimants who are represented by McSweeney Langevin pursuant to the Master Settlement Agreement, shall be paid into the McSweeney Langevin Covidien Qualified Settlement Fund.

3. Derek Brown is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion, the Master Settlement Agreement, and the Escrow Agreement. McSweeney Langevin and said Fund Administrator are given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
4. The McSweeney Langevin Covidien Qualified Settlement Fund, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at J.P. Morgan Chase Bank, N.A. (“JPM Chase”), and First Bankers Trust Bank shall serve as the Escrow Agent pursuant to the terms of the Parties’ Escrow Agreement with First Bankers Trust Bank. Investment related decisions shall be made pursuant to the terms and conditions set forth in the parties Master Settlement Agreement and Escrow Agreement, and disbursements from the McSweeney Langevin Covidien Qualified Settlement Fund shall be made pursuant to the terms of the Master Settlement Agreement and Escrow Agreement, which include provisions for payments into the MDL No. 2187 Fund.

5. The Fund Administrator is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.
6. The Fund Administrator is authorized, upon final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the Fund.

ENTER: December 9, 2020



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE