

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

**IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**

MDL NO. 2325

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 207
(ORDER REGARDING MOTION FOR APPROVAL OF QUALIFIED
SETTLEMENT FUND)**

Blasingame, Burch, Garrard & Ashley P.C. (“BBGA”), as counsel for certain plaintiffs in this MDL 2325, 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 BBGA and Astora Women’s Health, Inc. (formerly known as American Medical Systems Holdings, Inc.) and Astora Women’s Health, LLC (as the successor in interest to the women’s health business of American Medical Systems, Inc.). [ECF No. 2126]. In particular, the Motion seeks an Order (1) approving the escrow agreement (“BBGA February 2016 AMS/Astora Escrow Agreement”), attached hereto as Exhibit A, which forms a settlement escrow account named the BBGA February 2016 AMS/Astora Settlement Escrow Fund (“Settlement Escrow”) pursuant to the terms of the Settlement Agreement and the BBGA February 2016 AMS/Astora Escrow Agreement established under the Settlement Agreement, (2) retaining continuing jurisdiction and supervision over the Settlement Escrow, and (3) determining that the Settlement Escrow 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 1.468B-1, *et seq.* (“Regulations”).

The Court, having reviewed the Motion and the BBGA February 2016 AMS/Astora Escrow Agreement, and finding good and sufficient cause therefor, hereby **FINDS** and **ORDERS** as follows:

- 1) The Motion [ECF No. 2126] is **GRANTED**;
- 2) The terms of the BBGA February 2016 AMS/Astora Escrow Agreement are hereby approved; and
- 3) The Settlement Escrow constitutes 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 1.468B-1, et seq. The Court further retains continuing jurisdiction and supervision over the Settlement Escrow, in accordance with the terms of the BBGA February 2016 AMS/Astora Escrow Agreement.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:16-cv-02756. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. 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: March 24, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE