

**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**

**HONORABLE  
JUDGE JOSEPH R. GOODWIN**

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**PRETRIAL ORDER # 247  
(Order Re: Qualified Settlement Fund – Wagstaff & Cartmell, LLP)**

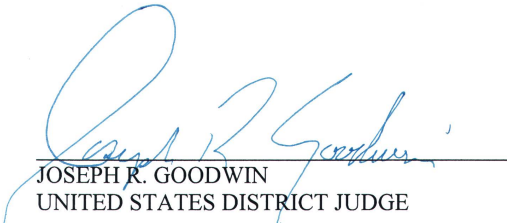
Wagstaff & Cartmell, LLP (“Claimants’ Counsel”), as counsel for certain plaintiffs in *In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation* MDL 2325 (S.D. W.Va.), has moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential settlement agreement (the “Settlement Agreement”) entered into by Claimants’ Counsel and Astora Women’s Health, LLC on October 9, 2017. [ECF No. 5343]. In particular, the Motion seeks an Order (1) approving the escrow agreement (“Wagstaff & Cartmell Astora Settlement Fund Escrow Agreement”), attached hereto as Exhibit A, which forms a settlement escrow account named the Wagstaff & Cartmell Astora Settlement Fund (“Settlement Fund”) pursuant to the terms of the Settlement Agreement and the Wagstaff & Cartmell Astora Settlement Fund Escrow Agreement, (2) retaining continuing jurisdiction and supervision over the Settlement Fund, and (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 1.468B-1, et seq. (Regulations”).

The Court, having reviewed the Motion and the Wagstaff & Cartmell Astora Settlement Fund Escrow Agreement, and finding good and sufficient cause therefore, hereby **FINDS** and **ORDERS** as follows:

- (1) The Unopposed Motion for Approval of Qualified Settlement Fund [ECF No. 5343] is **GRANTED**;
- (2) The terms of the Wagstaff & Cartmell Astora Settlement Fund Escrow Agreement are hereby approved; and
- (3) The Settlement Fund 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 Fund, in accordance with the terms of the Wagstaff & Cartmell Astora Settlement Fund 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 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 2:17-cv-04321. 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.wvsc.uscourts.gov](http://www.wvsc.uscourts.gov).

**ENTER: November 22, 2017**

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE