

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

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

**MDL NO. 2325**

**PRETRIAL ORDER NO. 258  
(ORDER RE: QUALIFIED SETTLEMENT FUND – GROSSMAN & MOORE, PLLC)**

Grossman & Moore PLLC (“Grossman & Moore”), 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 Grossman & Moore and Astora Women’s Health, LLC (“Astora”).

In particular, this unopposed Motion seeks an Order (1) approving the Grossman & Moore Astora 2018 Escrow Agreement (“Escrow Agreement”), which forms a settlement escrow account named the Grossman & Moore Astora Settlement Fund (“Settlement Fund”) for the purpose of facilitating the settlement of certain tort claims against Astora relating to certain alleged injuries and losses relating to AMS Pelvic Repair Systems Products (as defined in the Settlement Agreement); (2) retaining continuing jurisdiction and supervision over the Settlement Fund; (3) determining that the Settlement Fund, including any subaccounts thereof, constitutes a single “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”); (4) appointing Providio MediSolutions, LLC as the “administrator” of the Settlement Fund (the “Administrator”) within the meaning of section 1.468B-2(k)(3) of the Regulations; and (5)

appointing Huntington National Bank as escrow agent and custodian for the Settlement Fund (“Escrow Agent”).

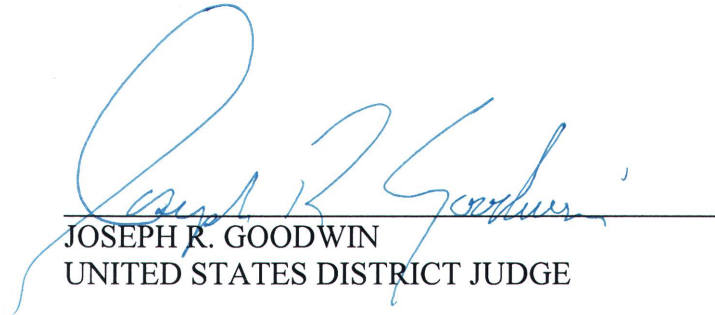
The Court, having reviewed the Motion and the Grossman & Moore Astora 2018 Escrow Agreement, and finding good and sufficient cause therefor, hereby **FINDS** and **ORDERS** as follows:

- 1) The Unopposed Motion is [ECF No. 6109] **GRANTED**;
- 2) The terms of the Grossman & Moore Astora 2018 Escrow Agreement are hereby approved;
- 3) The Settlement Fund constitutes a qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986, as amended and Treasury Regulation sections 1.468B-1, *et seq.* and shall be administered in accordance with the terms of the Escrow Agreement. The Court further retains continuing jurisdiction and supervision over the Settlement Fund;
- 4) Providio MediSolutions, LLC is the “administrator” of the Settlement Fund within the meaning of section 1.468B-2(k)(3) of the Regulations; and
- 5) Huntington National Bank shall serve as the escrow agent and custodian of the Settlement Fund.

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, *where applicable*, which includes counsel in all member cases up to and including civil action number 2:18-cv-01064. 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:** July 12, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE