

**UNITED STATES DISTRICT COURT
FOR THE 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. 281

Davis & Crump, P.C. (“Davis & Crump”), 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 Davis & Crump and Astora Women’s Health, LLC (“Astora”).

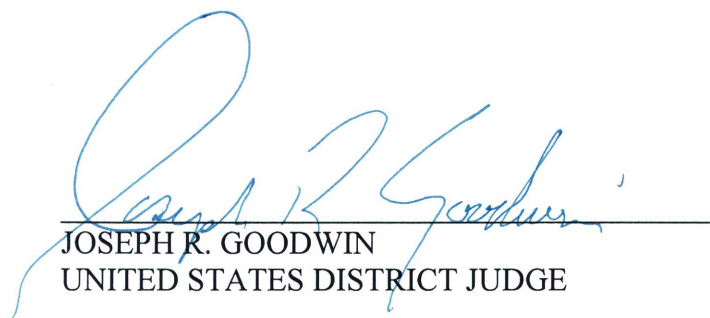
In particular, the Motion seeks an Order (1) approving the escrow agreement (“Davis & Crump Astora Settlement Fund Agreement”), attached hereto as Exhibit A, which forms a settlement escrow named the Davis & Crump Astora Settlement Fund (“Settlement Fund”) pursuant to the terms of the Settlement Agreement; (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”); and (4) appointing Garretson Resolution Group as the escrow agent (“Escrow Agent”) and “administrator” of the Settlement Fund (the “Administrator”) within the meaning of section 1.468B-2(k)(3) of the Regulations.

The Court, having reviewed the Motion and the Davis & Crump Astora Settlement Fund Agreement, and finding good and sufficient cause therefor, hereby **FINDS** and **ORDERS** as follows:

- 1) The Unopposed Motion [ECF NO. 7274] is **GRANTED**;
- 2) The terms of the Davis & Crump Astora Settlement Fund 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; and
- 4) Garretson Resolution Group is the escrow agent and “administrator” of the Settlement Fund within the meaning of section 1.468B-2(k)(3) of the Regulations.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02325 and it shall apply to each member related case. 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: May 6, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE