

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

In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation	MDL No. 2325  Hon. Joseph R. Goodwin
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**PRETRIAL ORDER NO. 260**  
**ORDER RE: QUALIFIED SETTLEMENT FUND – ASTORA**  
**WOMEN’S HEALTH, LLC, AYLSTOCK, WITKIN, KREIS &**  
**OVERHOLTZ, PLLC**

Pending is an Unopposed Motion for Approval of Qualified Settlement Fund filed on August 6, 2018 [ECF No. 6412]. Aylstock, Witkin, Kreis & Overholtz, PLLC (“AWKO”), as counsel for certain plaintiffs in this MDL 2325 moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential Master Settlement Agreement (the “MSA”) between Astora Women’s Health, LLC (as successor in interest to American Medical System, Inc.’s women’s health business, Astora Holdings, LLC, Astora Women’s Health Holdings, LLC, and Astora Women’s Health Holdings, Inc.) (“Astora”) and AWKO to resolve the claims of certain claimants against Astora relating to the implant of AMS Pelvic Repair System Product(s) as defined in the MSA.

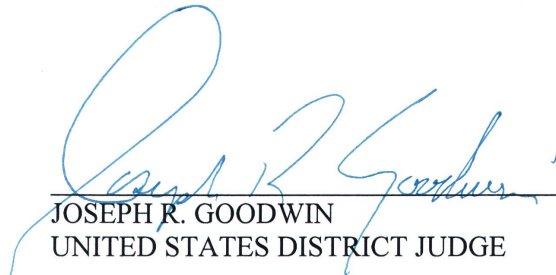
In particular, the Motion seeks an Order (1) approving the Settlement Trust Agreement (the “Trust Agreement”) which forms a settlement trust named the AWKO Astora Settlement Trust (the “Settlement Trust”) pursuant to the terms of the MSA , (2) retaining jurisdiction and supervision over the Settlement Trust, and (3) determining that the Settlement Trust, including any subaccounts thereof, together constitute 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, having reviewed the Motion and Settlement Trust Agreement, and finding good and sufficient cause, **FINDS** and **ORDERS** the following:

1. The Unopposed Motion [ECF No. 6412] is **GRANTED**;
2. The terms of the Settlement Trust Agreement are hereby approved; and
3. The Settlement Trust 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 Trust, in accordance with the terms of the Trust 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, where applicable, which includes counsel in all member cases up to and including civil action number 2:18-cv-01182. 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.wvwd.uscourts.gov](http://www.wvwd.uscourts.gov).

**ENTER:** August 8, 2018

  
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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE