

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

IN RE: BOSTON SCIENTIFIC CORP.  
PELVIC REPAIR SYSTEM PRODUCTS  
LIABILITY LITIGATION

MDL Docket No. 2326

HONORABLE JUDGE  
JOSEPH R. GOODWIN

**PRETRIAL ORDER# 210  
(ORDER TO ADMINISTER SETTLEMENTS RESOLVING CASES  
AND CLAIMS OF BERNSTEIN LIEBHARD LLP PLAINTIFFS)**

Pending is an Unopposed Motion for Approval of a Qualified Settlement Fund, filed April 30, 2019. [ECF No. 8009]. Upon consideration of the Motion of Bernstein Liebhard, LLP ("Bernstein Liebhard") and for good cause shown, the court hereby **ORDERS** as follows:

1. The Unopposed Motion [ECF No. 8009] is **GRANTED**.
2. To assist in the administration of the settlement of claims brought by the clients of Bernstein Liebhard (which shall include all plaintiffs represented by Bernstein Liebhard in the settlement agreement dated July 30, 2018 with Boston Scientific Corporation ("BSC"), as well as any clients of Bernstein Liebhard who enter into settlements with BSC in the future), the Bernstein Liebhard BSC QSF shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, pursuant to this court's continuing subject matter jurisdiction over the underlying matter and consistent with Treas. Reg. Section 1.468B-1(c)(1). All settlements reached by and between Plaintiffs in state or federal litigation or Claimants who are represented by Bernstein Liebhard pursuant to the Master Settlement Agreement dated July 30, 2018 shall be paid into the Bernstein Liebhard BSC QSF (the "QSF").

3. The Garretson Resolution Group, Inc. is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion, the Master Settlement Agreement, and the Qualified Settlement Fund Agreement, which is attached to the Motion and which will be executed substantially in the same form as identified therein. Bernstein Liebhard and said Fund Administrator are given the authority to conduct any and all activities necessary to administer this QSF as described in the Motion.
4. The QSF, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at CIBC Bank, USA, with such bank serving as the Custodian of the QSF. Investment related decisions shall be made pursuant to the terms and conditions set forth in the Motion, and disbursements from QSF shall be made pursuant to the terms of the Master Settlement Agreement and the Qualified Settlement Fund Agreement.
5. The Fund Administrator is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.
6. The Fund Administrator is further authorized, upon final distribution of all monies paid into the QSF, to take appropriate steps to wind down the QSF, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the QSF.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02326 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.wvsc.uscourts.gov](http://www.wvsc.uscourts.gov).

ENTER: May 20, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE