

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

IN RE: ETHICON, INC. PELVIC REPAIR)
SYSTEM PRODUCTS LIABILITY LITIGATION)
) **MDL NO. 2327**
)
THIS DOCUMENT RELATES TO:)
_____)

**PRETRIAL ORDER # 300
(ORDER APPOINTING HON. GLENN A. NORTON (RET.) AS SETTLEMENT
MASTER FOR PRIVATE SETTLEMENT AGREEMENTSBETWEEN ETHICON
AND CERTAIN PLAINTIFFS' COUNSEL)**

Cellino & Barnes P.C. (“Plaintiffs’ Counsel”) have entered into a separate Confidential Settlement Agreement (the “Settlement Agreement”) with Ethicon, Inc. and related entities defined by agreement as “Ethicon” to resolve the claims related to the implantation of Ethicon Pelvic Mesh Products (as defined in the Settlement Agreement). Under the provisions of the Settlement Agreement, Plaintiffs’ Counsel has agreed to seek the approval of this court to appoint a Settlement Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs’ Counsel believes that Hon. Glenn A. Norton (Ret.) is well-qualified to perform these and other functions discussed below.

Accordingly, Plaintiffs’ Counsel request, pursuant to the court’s inherent case management powers, the appointment of Hon. Glenn A. Norton (Ret.) to assist in the administration and implementation of their settlement with Ethicon, with the authority to:

- Determine that the calculation, allocation, division and distribution of settlement payments among the claimants pursuant to the terms of the Settlement Agreement provides for fair and reasonable compensation for each client based on the facts and circumstances of this litigation, including the risk to all parties of litigation, evidence of Plaintiffs’ injuries and

damages, the cost, the time delay, the medical evidence, the science, the compensation circumstances, and the inherent risk of litigation generally;

- Serve as arbitrator in binding arbitration for any insurance companies or other third-parties who agree in writing with Plaintiffs' Counsel to submit any disputes regarding whether or not health care coverage and reimbursement claims fall within the scope of the litigation and therefore subject to insurance liens or subrogation rights, and if so, the amount of such liens under terms of the applicable agreement between counsel and the insurer;
- Serve as mediator of claims as jointly requested by Plaintiffs' Counsel and Ethicon; and
- As agreed to by Plaintiffs' counsel and their clients, serve as the final and binding arbitrator on any and all Appeals asserted by claimants to the settlement allocation.

Ethicon does not oppose Plaintiffs' Counsel's request. The court, pursuant to its inherent authority, and having considered the request, and cognizant of the important public policy of encouraging settlement among litigating parties, hereby issues the following Order.

IT IS ORDERED THAT:

1. Hon. Glenn A. Norton (Ret.), 711 North 11th Street, St. Louis, Missouri 63101, is hereby appointed as the Settlement Master for the administration of the settlement reached between Cellino & Barnes P.C. and Ethicon, related to the implantation of Ethicon Pelvic Mesh Products (as defined in the Settlement Agreement).
2. The duties of the Settlement Master shall be as set forth in the confidential Settlement Agreement entered into between Plaintiffs' Counsel and Ethicon.
3. In furtherance of the fair and efficient administration and implantation of the settlements, the Settlement Master may have *ex parte* communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, Ethicon and its counsel, or the court, and

such *ex parte* communications shall not be deemed to have waived any attorney-client privileges.

4. The Settlement Master shall be compensated privately as specified respectively in the Settlement Agreement or by agreement with Plaintiffs' Counsel
5. An affidavit by the Settlement Master has been submitted and is attached hereto as **Exhibit A**.
6. The curriculum vitae of the Settlement Master is attached hereto as **Exhibit B**.
7. The Settlement Master shall report to the court as requested by the court.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 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-00949. 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.

ENTER: May 29, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
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IN RE: ETHICON, INC. PELVIC REPAIR)
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MDL NO. 2327

AFFIDAVIT OF HON. GLENN A. NORTON (RET.)

STATE OF MISSOURI)
) ss:
COUNTY OF ST. LOUIS)

HON. GLENN A. NORTON (Ret.), being duly sworn, deposes and says:

1. I am an attorney at law licensed to practice in the State of Missouri. I am in good standing.
2. I was admitted to the Missouri Bar in 1985.
3. In 2002, I was appointed to the Missouri Court of Appeals for the Eastern District. I served as Chief Judge from 2005 to 2006 and as the Settlement Judge from 2010 to 2015.
4. Beginning in 2015, I have acted as Special Master in thousands of mass tort cases, including Round-Up, Medtronic Infuse, Talc, GM Ignition Interlock, and others. I have served as a Court-appointed Special Master for settlement and allocation purposes in thousands of cases involving Medtronic (Infuse) and Fresenius (Granuflo).
5. I have obtained a Mediation Certification from the University of Missouri.

Glenn A. Norton
HON. GLENN A. NORTON (RET.)

Sworn to before me this
13th day of February 2018

Cynthia B. Goepel
NOTARY PUBLIC



CYNTHIA B. GOEPEL
My Commission Expires
October 10, 2019
St. Louis County
Commission # 15468768

EXHIBIT B

Glenn A. Norton

Personal

- Norton Dispute Resolution, LLC
Alaris ADR Services
711 North 11th Street
St. Louis, MO 63101

Emphasis on Special Master appointments, Mediation and Arbitration

Education

- Juris Doctor, University of Missouri-Columbia School of Law, 1985
Dean's List; Law School Representative-National Trial Competition
- Bachelor of Arts, Westminster College, 1982, Dean's List; English Major

Professional Experience

- Norton Dispute Resolution, LLC
Court-appointed Special Master in thousands of mass tort cases including Round-Up, Medtronic Infuse, Talc, GM Ignition Interlock, and others;
Court-appointed Special Master for Settlement and Allocation for thousands of cases involving Medtronic (Infuse) and Fresenius (Granuflo); National mediation practice including the court-approved settlement of a national class action against Remington Firearms in the Western District of Missouri (Judge Ortrie Smith).
- Missouri Court of Appeals, Eastern District, 2002-2015
Chief Judge, 2005-2006; Presiding Judge in Division, multiple years
Settlement Judge 2010-2015
- Chief Legal Counsel to Governor Bob Holden, 2001-2002
Representation and counsel to the Governor and staff;
Oversight of the legal departments and legal issues for all 15 state agencies; Review judicial appointments, death penalty cases, budget issues, clemency applications, and legislation
- Ralls County Associate Circuit Judge
Elected 1994, re-elected 1998; Circuit and Associate Circuit dockets
The Supreme Court assigned me to cases involving complex litigation and felony matters on hundreds of occasions
- Municipal Judge, 1995-2000; New London, Center, Perry, and Hannibal
- Partner, Briscoe & Norton Law Office, New London, Missouri, 1985-1994
Emphasis on litigation, estates and trusts, family law, taxation, and real estate; Substantial courtroom experience, with hundreds of jury and non-jury trials; General Counsel for four municipalities, a hospital, several banks, lending companies, and other businesses
- Co-owner, Accurate Land Title Insurance Company, 1987-1994

- Prosecutor, Ralls County, 1985-1994; Responsible for entire caseload, including murder trials and other high-profile felonies; lawyer for all County officials

Memberships and Professional Activities

- Chairman, Supreme Court Trial Judge Education Committee, 2010-2014
Responsible for the continuing education of all Missouri trial judges
- Sat as special judge on Missouri Supreme Court in 2000, 2003, and 2008
- Supreme Court Coordinating Commission for Judicial Branch Education
- Mediation Certification, University of Missouri
- Supreme Court Judicial Records Committee, 2002-2009
- Webster University, Adjunct Faculty 2006-present
- Missouri Statewide Legal Services Commission, 1999-2002
- Disproportionate Minority Confinement Governing Board, 2001-2005
- Judicial Conference of Missouri; Legislative Steering Committee, Executive Council, Past-Chairman of Associate Circuit Judge Section
- Missouri Association of Probate and Associate Circuit Judges, 1995-2000
President, Vice-President, Director, Chairman Legislative Committee
- Missouri Municipal and Associate Circuit Judges Assn Board of Directors
- State Commission on Children's Justice, Vice-Chairman
- Editorial Board, "Bench Books for Missouri Judges"
- Chapter Reviser for "Municipal Judges' Bench Book"
- Author, "Persuading is Teaching" Published in The Missouri Trial Attorney.
- President's Award, The Missouri Bar Association
- National and Missouri Prosecuting Attorneys Association, former member
- Member, CLE lecturer, Master of Ceremonies, and other work with: Missouri Bar, Tenth Circuit Bar, St. Louis County Bar, Lawyers Association of St. Louis, and Bar Association of Metropolitan St. Louis

National Teaching Activities

- Faculty, National Judicial College, 1997-2001, various programs, including:
 - "Alternative Sentencing for South Carolina Judges"
 - "What Would the Perfect Judge Do?" American Judges Association
 - "CDL Enforcement for Georgia Judges"
 - "The Art of Persuasion", Missouri Bar Association mid-year meeting
- Panelist for multiple national seminars on the role and benefit of special masters, including conferences in Chicago, St. Louis, Cancun, Las Vegas and others.

Missouri Presentations and Teaching Activities

- Covington/Crahan Professionalism Annual Lecture, UMC School of Law
- Washington University School of Law, ethics and civility presentations
- Trial Judges College, Faculty and Criminal Law Team Leader
- Faculty, annual New Judge Orientation
- Municipal Judge Education annual programs
- Courtroom Skills for Juvenile Officers
- "Professionalism and Access to the Courts"; Gender and race bias

- Numerous seminars for Prosecutors, Defense Attorneys, Juvenile Officers
- Missouri Police Chiefs Conference
- UMC School of Law, lecturer on domestic violence
- Keynote Address, Juvenile Justice Association "Children in Need of a Future"

Community Activities

- Action for Autism, Chairman of Board of Directors and Executive Committee
Dedicated to helping autistic children and their families attain the treatment and education they might not otherwise be able to afford
- Howard Park Center, Board of Directors
School for children who are developmentally challenged
- "Thinking Constitutionally—Thinking Freedom"
Programs at various schools with Supreme Court Judge Zel Fischer
- Volunteer Judge—annual "National Adoption Day"
- Guest speaker, U.S. Naturalization Ceremony
- "Equal Access to Justice"
Federal Courts Law Day panelist
- Judge for Law School Competitions and classes at University of Missouri-Columbia and St. Louis University Schools of Law
- Drug Court Graduation speaker, St. Louis County
- Commencement Speaker, Macon High School
- Hannibal Arts Council Board of Directors, Hannibal, Missouri
- New London Baseball Association; Coach, President
- First Christian Church; Elder, Song Leader, Chairman of Board
- New London Lions Club; Member, President, Board of Directors
- Mark Twain Men's Chorale; President and Trustee
- New London Elementary Booster Club President
- D.A.R.E. Program graduation speaker