

**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 # 311
(ORDER RE: QUALIFIED SETTLEMENT FUND –
LEWIS SAUL & ASSOCIATES, P.C.

Pending is an Unopposed Motion for Approval of Qualified Settlement Fund, filed August 9, 2018. [ECF No. 6543]. Lewis Saul & Associates, P.C. (“Lewis Saul”), as counsel for certain plaintiffs in MDL No. 2327, 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 Defendant Ethicon, Inc. and certain related companies (“Ethicon”) and Lewis Saul to resolve the claims of certain claimants against Ethicon relating to the implant of Ethicon Pelvic Mesh Products (as defined in the Settlement Agreement). The Court, having reviewed the Motion, and finding good and sufficient cause, **FINDS** and **ORDERS** the following:

1. The Unopposed Motion [ECF No. 6543] is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of Lewis Saul, the Lewis Saul-ETHICON 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 Ethicon and Plaintiffs in state or federal

litigation or Claimants who are represented by Lewis Saul pursuant to the Master Settlement Agreement dated July 24, 2018, shall be paid into the Lewis Saul - ETHICON QSF.

3. Matt Garretson, of the Garretson Resolution Group, is appointed the Settlement Administrator, and shall be responsible for all settlement allocations pursuant to the terms of the Master Settlement Agreement. Mr. Garretson may hire third parties to assist him, including the Garretson Resolution Group.
4. The Garretson Resolution Group, 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 Escrow Agreement. Lewis Saul and said Fund Administrator are given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
5. The Lewis Saul-ETHICON QSF, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at J.P. Morgan Chase Bank, N.A. (“JPM Chase”), and JPM Chase shall serve as the Escrow Agent pursuant to the terms of the Parties’ Escrow Agreement with JPM Chase. Investment related decisions shall be made pursuant to the terms and conditions set forth in the parties Master Settlement Agreement and Escrow Agreement, and disbursements from the Lewis Saul-ETHICON QSF shall be made pursuant to the terms of the Master Settlement Agreement and Escrow Agreement, which include provisions for payments into the MDL No. 2327 Fund.

6. 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.
7. The Fund Administrator is authorized, upon final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the Fund.

The court DIRECTS the Clerk to file a copy of this order in 2:12-md-02327 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-01191. 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: August 10, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE