

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: COLOPLAST PRODUCTS) MDL Docket No. 2387
LIABILITY LITIGATION) HONORABLE JUDGE JOSEPH R.
) GOODWIN

**PRETRIAL ORDER # 61
(ORDER TO ADMINISTER SETTLEMENTS RESOLVING CASES
AND CLAIMS OF ANDRUS WAGSTAFF, P.C. PLAINTIFFS)**

Pending is the Agreed Upon Motion and Order filed by the firm of Andrus Wagstaff P.C. [Docket 267]. For good cause shown, the Motion is **GRANTED** and the court **ORDERS** as follows:

1. In order to assist in the administration of the settlement of claims brought by the clients of Andrus Wagstaff P.C. ("AW") (which shall include all plaintiffs represented by AW in the settlement agreement executed September 3, 2014, as well as any clients of AW who enter into settlements with defendants in the future), the AW Coloplast Qualified Settlement Fund 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 AW and Defendants pursuant to the Master Settlement Agreement dated as of August 28, 2014, shall be paid into the AW Coloplast Qualified Settlement Fund. The Defendants shall have no liability with regard to the conduct of the Fund Administrator or to the AW Coloplast Qualified Settlement Fund itself. The Defendants' liability to the Claimants and Plaintiffs shall terminate with payments into the AW Coloplast Qualified Settlement Fund.

2. ARX Management, LLC is appointed as Fund Administrator and Trustee, shall serve without bond, and shall serve pursuant to the terms, conditions and restrictions of the Motion to Establish Qualified Settlement Fund and Appoint Fund Administrator, and said Fund Administrator is given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.

3. No bond is required, provided that all monies received by the AW Coloplast Qualified Settlement Fund shall be deposited in an account held at a FDIC regulated Depository Bank (the "Depository Bank") for the benefit of and titled in the legal name of the Fund and invested in instruments/securities comprised of (i) United States Agency or Treasury issued securities or obligations (or a mutual fund invested solely in such instruments); (ii) cash equivalent securities including commercial paper or short term notes with a minimum rating of A-1/P-1/AA, SEC registered money market funds and collateralized money market accounts; (iii) interest bearing and non-interest bearing accounts with domestic banks, or the Insured Cash Sweep (ICS) pursuant to the Deposit Placement Agreement with the Depository bank, subject to maximum Federal Depository Insurance Corporation guarantees; and/or (iv) certificates of deposit subject to maximum Federal Depository Insurance Corporation guarantees, either individually or through use of the Certificate of Deposit Account Registry Service ("CDAR") pursuant to a CDARS Deposit Placement Agreement with the Depository Bank. The Administrator shall be responsible for any and all investment related decisions pursuant to these terms and conditions, such that the following investment policy is implemented: (i) safety of principal; and (ii) zero bank balance sheet exposure. Any investment losses realized by investment of Escrowed Funds or any portion thereof shall be charged to the Escrowed Funds.

To the extent the funds are invested in the manner provided for in this Order, the Fund Administrator and Escrow Agent shall not be liable for any loss(es) which may be incurred by reason of any such investment (or reinvestment).

4. 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.

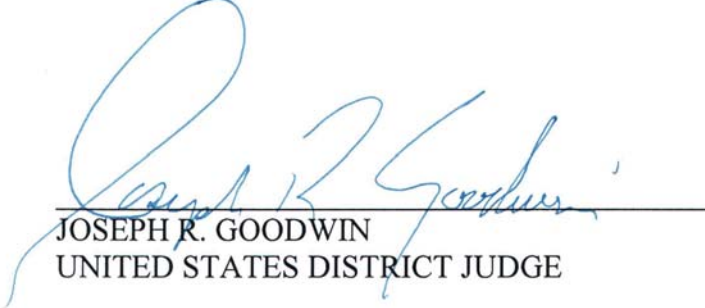
5. The Fund Administrator shall be authorized to distribute all attorneys' fees and litigation expenses to counsel for Plaintiffs, consistent with existing contingency fee contracts.

6. 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-2387 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 2:14-cv-27776. 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: November 12, 2014



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE