

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

IN RE: COLOPLAST CORP. PELVIC  
SUPPORT SYSTEMS PRODUCTS  
LIABILITY LITIGATION

MDL No. 2387

HONORABLE  
JUDGE JOSEPH R. GOODWIN

**PRETRIAL ORDER # 89  
(ORDER APPOINTING HON. JAMES ROSENBAUM AS SPECIAL MASTER  
FOR PRIVATE SETTLEMENT AGREEMENT BETWEEN COLOPLAST AND  
CERTAIN PLAINTIFFS' COUNSEL)**

Pending is an Unopposed Motion for Appointing Hon. James Rosenbaum as Special Master for Private Settlement Agreement between Coloplast and Certain Plaintiffs' Counsel, filed February 24, 2016. [ECF No. 466]. Zimmerman Reed, LLP (collectively, "Plaintiffs' Counsel") has entered into a separate Confidential Master Settlement Agreement (the "Settlement Agreement") with Coloplast Corp. and related entities, defined by agreement as "Coloplast," to resolve the claims related to the implantation of Coloplast's Pelvic Repair Products (as defined in the Settlement Agreement). Plaintiffs' Counsel has agreed to seek the approval of this Court to appoint a Special Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Plaintiffs' Counsel believes that James Rosenbaum 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. James Rosenbaum to assist in the administration and implementation of their settlement with Coloplast, 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, the cost, the time delay, the medical

evidence, the science, the compensation circumstances, and the inherent risk of litigation generally.

Coloplast 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.

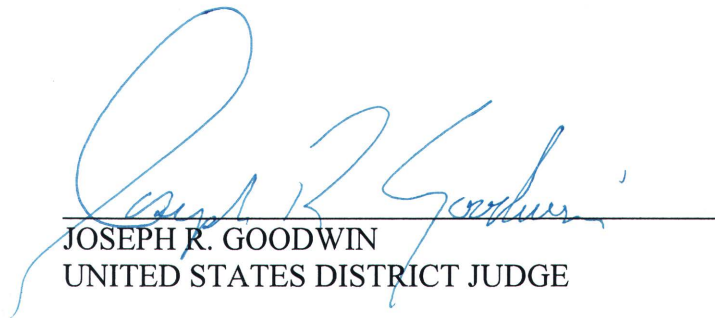
**IT IS ORDERED THAT:**

1. The Unopposed Motion is **GRANTED**.
2. Judge James Rosenbaum, JAMS, 333 South Seventh Street, Suite 2550, Minneapolis, MN 55402 is hereby appointed as the Special Master for the administration of the settlement reached between Zimmerman Reed, LLP, related to the implantation of Coloplast's Pelvic Repair Products (as defined in the Settlement Agreement).
3. The duties of the Special Master shall be as agreed by Plaintiffs' Counsel and Coloplast.
3. In furtherance of the fair and efficient administration and implementation of the settlements, the Special Master may have *ex parte* communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, Coloplast and its counsel, or the Court, and such *ex parte* communications shall not be deemed to have waived any attorney-client privileges.
4. The Special Master shall be compensated privately as specified by agreement with the Special Master.
5. The Special Master shall report to the court as requested by the court.

The court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-2187 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:16-cv-

01563. 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.wvsd.uscourts.gov](http://www.wvsd.uscourts.gov).

ENTER: February 26, 2016



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE