

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

CHARLESTON DIVISION

IN RE: NEOMEDIC
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2511

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 30
(QUALIFIED PROTECTIVE ORDER)**

On November 16, 2015, MDL 2511 Co-Lead Counsel and certain Neomedic entities entered into a Memorandum of Understanding (“MOU”) regarding the Neomedic TVM Settlement Program. See http://www.wvsc.uscourts.gov/MDL/2511/pdfs/Settle_1.pdf. As set forth in the MOU, Shapiro Settlement Solutions (“S3”) is the Lien Resolution Administrator retained to identify and resolve potential settlement liens with the Centers for Medicare & Medicaid Services (with the Medicare Secondary Payer Department and related third party vendors, “CMS”), Medicaid agencies, TRICARE, Veteran’s Administration, Department of Defense, Indian Health Services, and private health insurers, including those private entities that contract with CMS to provide Medicare Advantage, Medicare cost, and Medicare health prepayment plan benefits (“Medicare Part C”), (collectively, the “Agencies”, and each an “Agency”). S3 exchanges lists of Registered Claims to these Agencies in order to identify which Registered Claimants are beneficiaries of the Agencies’ health plans and to resolve the Agencies’ identified interests. The entry of a HIPAA-compliant qualified protective order is necessary in this action to permit the Agencies to transmit protected health information regarding Registered Claimants directly to S3 to assist in the efficient resolution of the Agencies’ identified interests.

IT IS HEREBY ORDERED as follows:

1. S3, as well as Registered Claimants' respective counsel, shall resolve any potential Medicare, Medicaid, Tricare, Veteran's Administration, Indian Health Services, Medicare Part C, or private insurance (hereinafter "the Agencies") claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals who are or were beneficiaries of the Agencies.
2. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information" as contemplated and defined by 45 C.F.R. §160.103, or information that is otherwise protected from disclosure by the Privacy Act, 4 U.S.C. §551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR §431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law created, received, or collected from Registered Claimants by the Agencies including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify Plaintiffs; (b) eligibility and entitlement information; (c) claims information relating to the past, present, or future health care of Registered Claimants; (d) claims information relating to the provision of healthcare to Registered Claimants; and (e) claims information relating to the past, present, or future payment for the provision of healthcare to Registered Claimants.
3. Each agency is hereby authorized and directed to transmit to S3 and each Registered Claimant's counsel any information, including claims information and other protected health information, for each Registered Claimant participating in the Neomedic TVM Settlement Program against whom they may assert liens or reimbursement claims.
4. S3 and each Registered Claimant's counsel, including any authorized third party acting on their behalf, shall not use or disclose any protected health information or individually identifiable

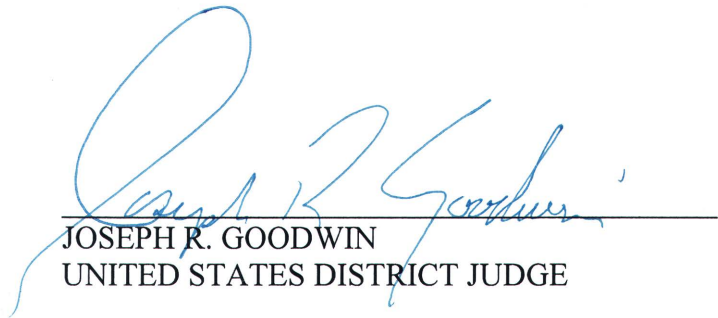
health information subject to this Qualified Protective Order for any purpose other than this litigation. Similarly, the Agencies shall only use the information received from S3 or a Registered Claimant's counsel for the specific purposes of transmitting to S3 or the Registered Claimant's counsel any information, including claims information and other protected health information, for Registered Claimants whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlement the Agencies may have an interest. The Agencies shall only make this information available to those within their respective Agency who need access to the information for the specific purpose stated in this paragraph. If the Agency utilizes outside vendors or companies to perform part or all of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.

5. S3 and each Registered Claimant's counsel shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, and/or dissemination of such protected health information as is exercised by S3 and each Registered Claimant's counsel with respect to its own confidential proprietary information.
6. At the conclusion of litigation, S3 and each Registered Claimant's counsel shall ensure that the protected health information or individually identifiable health information, including all copies made, subject to this Qualified Protective Order has been destroyed or permanently secured.

The court DIRECTS the Clerk to file a copy of this order in 2:12-md-2511 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-04105. 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.

ENTER: July 12, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE