

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

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2325

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 175
(ORDER APPOINTING JUDGE MARINA CORODEMUS
(Ret.) AS SPECIAL MASTER FOR PRIVATE
SETTLEMENT AGREEMENTS BETWEEN AMS AND
CERTAIN PLAINTIFFS' COUNSEL)**

Motley Rice LLC, Levin Simes LLP and Blasingame, Burch, Garrard & Ashley P.C. (collectively, "Plaintiffs' Counsel") have entered into separate settlement agreements with American Medical Systems, Inc. ("AMS") to resolve the claims of thousands of claimants related to the implantation of AMS's pelvic repair system products. Under the provisions of those settlement agreements, Plaintiffs' Counsel have 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 their settlement agreements. AMS and Plaintiffs' Counsel agree that the Honorable Marina Corodemus (Ret.) is well-qualified to perform these and the other functions discussed below.

Accordingly, Plaintiffs' Counsel request, pursuant to the Court's inherent case management powers, the appointment of Judge Corodemus to assist in the administration and implementation of their settlements with AMS, with the authority to:

- Determine if the calculation, allocation, division and distribution of settlement payments among the claimants pursuant to the terms of the respective master settlement agreements 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;
- **Serve as mediator** to facilitate the resolution of any disputes that may arise related to the categorization and processing of claims under the terms of the respective master settlement agreements;
- **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 requested by Plaintiffs' Counsel and AMS.

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.

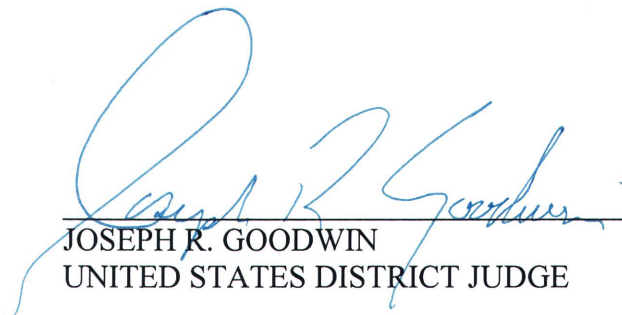
IT IS ORDERED THAT:

1. The Honorable Marina Corodemus (Ret.), 120 Wood Avenue South - Suite 500, Iselin, New Jersey 08830, is hereby appointed as the Special Master for the administration of settlements reached between Motley Rice LLC, Levin Simes LLP, and Blasingame, Burch, Garrard & Ashley P.C., respectively, and AMS, related to the implantation of AMS's pelvic repair system products.
2. The duties of the Special Master shall be as set forth in the respective master settlement agreements entered into between Plaintiffs' Counsel and AMS. A purpose of this Order is to provide all parties and their counsel with notice of the availability of the Special Master to assist in the process of settling claims related to AMS pelvic repair system products.
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, AMS 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 respectively in each master settlement agreement or by agreement with the Special Master. **The Court will approve all compensation made to the Special Master.**
5. Subject to approval and Order of the Court, any firm settling claims against AMS related to its pelvic repair system products may engage the Special Master to perform the duties as set forth in that party's settlement agreement. When so approved by the Court, this Order shall apply.

6. An affidavit by the Special Master has been submitted and is attached hereto.
7. The Special Master shall report to the Court on a quarterly basis or as requested by the Court.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02325 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 2:14-cv-16952. 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: May 28, 2014



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

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AFFIDAVIT OF HON. MARINA CORODEMUS (Ret.)

STATE OF NEW JERSEY)
) ss.:
COUNTY OF MIDDLESEX)

I, MARINA CORODEMUS, being duly sworn, deposes and says:

1. I am attorney at law licensed in the States of New Jersey and New York. I am in good standing in both states.
2. I am a retired judge of the Superior Court of New Jersey, Law Division, and was the original judge assigned to statewide coordinated mass tort matters involving primarily pharmaceutical, product liability and environmental complex litigation.
3. Since retiring from the bench I am managing attorney of a nationwide dedicated Alternative Dispute Resolution firm, true neutrals handling mediation, arbitration and special master work by private agreement or court designation.
4. I have been appointed special master and mediator by both state and federal courts in mass tort litigation. I served as one of three special masters in the DePuy hip cases (MDL

2197, by Judge Katz) and in the Vioxx litigation MDL Court (appointed by Judge Fallon, MDL No. 1057). I was appointed mediator by the Honorable Garrett Brown Federal District Court of New Jersey for Ephedrine Bankruptcy, MDL No. 1598, a mediation successfully resolving over 200 cases without appeal. I have been appointed special master by courts in New Jersey, New York, Florida, and California.

3. I have thoroughly familiarized myself with the issues involved in the case captioned above, and as a result of my knowledge of that case, I can attest and affirm that there are no grounds for disqualification that would prevent me from serving as a special master in the captioned matter.



HON. MARINA CORODEMUS

Sworn to before me this
7th day of May, 2014



NOTARY PUBLIC

Robert J. Jones
Attorney at Law
State of New Jersey