

FILED IN CHAMBERS
U.S.D.C. Atlanta

DEC 01 2016

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE: WRIGHT MEDICAL) MDL DOCKET NO. 2329
TECHNOLOGY, INC.,)
CONSERVE HIP IMPLANT)
PRODUCTS LIABILITY) 1:12-MD-2329-WSD
LITIGATION)
)
)
)
**This Document Relates To:)
ALL CASES)****

**CASE MANAGEMENT ORDER NO. 5:
APPOINTMENT OF CLAIMS ADMINISTRATOR
AND SPECIAL MASTER TO FACILITATE
PROPOSED PRIVATE SETTLEMENT AGREEMENT**

MDL-2329 Plaintiffs' Co-Lead Counsel and Leadership Counsel in JCCP No. 4710, pending in the Superior Court of Los Angeles County, California, and Wright Medical Technology, Inc. (collectively, the "Parties"), have entered into a Settlement Agreement reflecting a proposed private settlement of certain Conserve, Dynasty and Lineage cases.

Per the provisions of the Settlement Agreement, the Parties have identified and appointed a Claims Administrator and Special Master to assist in the administration and implementation of certain terms of the settlement. A joint request is now made for the appointment of the Claims Administrator and Special

Master to perform certain duties consistent with the Settlement Agreement. The Court, pursuant to its inherent authority, and in consideration of the Parties' consent, the oral presentation by counsel and all written submissions, and cognizant of the important public policy of encouraging settlement amongst litigating parties, hereby Orders as follows.

IT IS HEREBY ORDERED AND DECREED THAT

1. Appointment of Claims Administrator and Special Master: The Court hereby appoints the following persons as Claims Administrator and Special Master named below, to perform the duties consented to by the Parties and set forth in the Settlement Agreement, as set forth the under the terms of this Order:

a. Claims Administrator:

Brown Greer PLC
250 Rocketts Way
Richmond, VA 23231

b. Special Master:

Hon. Diane M. Welsh (Ret.)
JAMS
1717 Arch Street
Suite 4010
Philadelphia, PA 19103

2. Claims Administrator and Special Master Duties: The duties of the Claims Administrator and Special Master are set forth in the Settlement

Agreement. One purpose of this Order is to provide notice to all parties and their counsel of the availability of the Special Master to assist in the informed consent process and to answer questions regarding the terms and conditions of the Settlement Agreement. Specifically, the Claims Administrator and Special Master shall fully perform the duties as set forth below, as agreed by the Parties, and as set forth in the Settlement Agreement, including but not limited to:

- a. Claims Administrator: The duties of the Claims Administrator shall be to administer and implement the private settlement program, as set forth in the Settlement Agreement.
 - b. Special Master: The duties of the Special Master under this Order, as set forth in the Settlement Agreement, are to consider and decide all appeals from EIF Option awards.
3. Ex Parte Communications: The Claims Administrator and Special Master are authorized to have ex parte communications with each other, the Parties, the Claimants or their representatives, Claimants' counsel, or the Court, where necessary for the full and fair implementation of this Order and the Settlement Agreement, without violating any attorney-client privilege.
4. Claimant Determinations under the Settlement Agreement: Pursuant to the terms of the Settlement Agreement and the consent of all eligible claimants

who accept settlements thereunder, all settlement awards and appeal determinations set by the Claims Administrator and/or Special Master with respect to the individual claims settled pursuant to the Settlement Agreement shall be in writing and, as agreed by the Parties and Claimants, be binding and final on Claimants according to the terms of the Settlement Agreement. All settlement awards and appeal determinations with respect to individual settlements pursuant to the Settlement Agreement are limited to the review procedures set forth in the Settlement Agreement and are not subject to judicial review.

5. Compensation: The Claims Administrator and Special Master shall be compensated as specified in the Settlement Agreement.

6. Reports to Court: The Claims Administrator shall file monthly confidential reports with the Court or at any other time requested by the Court or the Parties. These reports shall describe the progress of the implementation of the Settlement Agreement, or any other matter that the Court or Parties deem necessary.

8. Disclosures: Affidavits by the proposed Claims Administrator and Special Master have been submitted and are attached hereto.

SO ORDERED, this 1st of December, 2016.

A handwritten signature in black ink, appearing to read "W.S. Duffey, Jr.", is written over a horizontal line.

WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE