

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In Re: Fresenius Granuflo/Naturalyte Dialysate
Products Liability Litigation

MDL No. 2428

APPLIES TO ALL CASES

AFFIDAVIT OF GINGER SUSMAN, ESQ.

I, Ginger Susman, Esq., of Denver, Colorado, am over the age of 21, and hereby state under oath as follows:

1. I am the President and one of the owners of Providio MediSolutions, LLC. Providio is a Delaware limited liability company headquartered at 5613 DTC Parkway, Suite 700, Greenwood Village, CO 80111. Providio was organized in February 2011 and offers three primary services: lien resolution administration, fund administration and Medicare Secondary Payer Act compliance for mass tort and single event cases. I have been with the company since its inception.
2. From 2008-2011 I was the Chief Marketing Officer for Integrated Financials Settlements, Inc., a holding company and one of the owners of Providio. IFS's primary focus is the structured settlement annuity industry. IFS owns a number of structured settlement annuity brokerages including EPS Settlements Group, Millennium Settlements, Structured Financial Associations and JMW Settlements. The combined entities write over \$2 billion in structured settlement annuities for injured claimants annually. From 2006-2008 I had a small business and also worked as a business consultant focused on helping others write business plans and raise capital. From 2000- 2006 I was General Counsel and Senior Vice President Business Development at IQNavigator, Inc., a technology company offering software as a service to the Fortune 500 for contract hire management and project management. And, from 1996-2000 I was an associate in the business transactions group of Denver-based law firm Holland & Hart, LLP working on a variety of matters including mergers, acquisitions, venture capital transactions, company formations and general corporate governance matters.

2. Providio has a significant presence in the mass tort market due to our experience and success in lien resolution administration and fund administration. We have provided lien resolution services in numerous mass torts including, without limitation:

American Medical Systems Inc. | Pelvic Repair System Products Liability Litigation

Avandia | Marketing Sales Practices and Products Liability Litigation

Biomet | M2a Magnum Hip Implant Products Liability Litigation

Cochlear Ear | Eggerling et al. v. Advanced Bionics LLC

Coloplast | Pelvic Repair System Products Liability Litigation

Covidien | Pelvic Repair System Products Liability Litigation

C.R. Bard | Pelvic Repair System Products Liability Litigation

Fallows/Stent | Theresa Fallows, et al. v. St. Joseph medical Center, Inc.

Kugel | Mesh Hernia Patch Products Liability Litigation

Mentor Corp. | ObTape Transobturator Sling Products Liability Litigation

Oil Rig Hearing Loss | Jos Arabie et al v. AMOCO Chemical Company et al

Pradaxa | Product Liability Litigation

Prempro | Products Liability Litigation

Skecher Toning Shoe | Products Liability litigation

Stryker Rejuvenate | HOC Rejuvenate Hip Stem and ABG II Modular Hip Stem Litigation

Yasmin and Yaz (Drospirenone) | Marketing, Sales Practices, and Products Liability Litigation.

3. Providio has provided fund administration in numerous mass torts including, without limitation:

American Medical Systems Inc. | Pelvic Repair System Products Liability Litigation

Cochlear Ear | Eggerling et al. v. Advanced Bionics LLC

Coloplast| Pelvic Repair System Products Liability Litigation

Covidien| Pelvic Repair System Products Liability Litigation

DePuy | DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation

Fallows/Stent | Theresa Fallows, et al. v. St. Joseph medical Center, Inc.

Pradaxa | Product Liability Litigation

Skecher Toning Shoe | Products Liability litigation

Stryker Rejuvenate | HOC Rejuvenate Hip Stem and ABG II Modular Hip Stem Litigation

Yasmin and Yaz (Drospirenone) | Marketing, Sales Practices, and Products Liability Litigation.

4. The Parties in the Granuflo settlement have mutually agreed upon the use of a Qualified Settlement Fund (“QSF” also known as a Section 468B Trust)¹ to facilitate the Defendant’s payment obligation pursuant to the Master Settlement Agreement and the efficient disbursement of funds to the injured claimants, the law firms who represent them, the firms entitled to fees for common benefit work, lienholders with valid interests, etc. The primary objective of the QSF is to marshal assets and determine which of the

¹ Treas. Reg. § 1.468B-1(c)(2)

- various parties will receive which amounts. Once the appropriate distributions have been made and the QSF's assets have been fully disbursed, the QSF will go out of existence.
5. A QSF is a separate taxpayer, distinct from the transferor and from the claimants. The Regulations impose three major "Establishment Requirements" for a QSF:
1. **The Approval Requirement:** The QSF must be established by an order of (or by approved by) the United States, any state (including the District of Colombis), any territory, any possession, any political subdivision, or any agency or instrumentality of the foregoing (including courts).² The QSF must be subject to the continuing jurisdiction of that governmental authority.³
 2. **The Resolve Claims Requirement:** The QSF must be established to resolve or satisfy one or more contested or uncontested claims that have resulted or may result from an event (or related series of events) that has occurred and that has given rise to at least one claim asserting liability.⁴
 3. **The State Law Requirement:** The Fund, account or trust must be a trust under state law, or its assets must be otherwise segregated from the transferor's (or related persons') other assets.⁵
6. Upon order of this Court, Providio will establish the QSF as a trust under Florida State law and will obtain an EIN number for it from the Internal Revenue Service. Thereafter we will establish a bank account for the Trust pursuant to the motion and order to establish the QSF, and we will ensure the funds transferred into the QSF are invested in accordance with the requirements outlined in the motion and order. Finally, we will manage the QSF and make disbursements therefrom in accordance with the preconditions set forth in the Master Settlement Agreement and the form of individual release.

² Treas. Reg. § 1.468B-1 (c)(1)

³ *Id.*

⁴ Treas. Reg. § 1.468B-1 (c)(2)

⁵ Treas. Reg. § 1.468B-1 (c)(3)

SUBSCRIBED AND SWORN TO)
BEFORE ME, on the)
16th of September, 2016)

Jesse Eustis
NOTARY PUBLIC

My Commission expires: 10/6/2018)

Ginger Susman

Ginger Susman

Jesse Eustis
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144038763
MY COMMISSION EXPIRES 10/6/2018