

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re: WATSON FENTANYL)	Case No. 1:12-cv-06296
PATCH PRODUCTS LIABILITY)	
LITIGATION)	MDL No. 2372
)	
)	Judge Matthew F. Kennelly
)	
)	This Document Relates To:
)	<i>Clark v. Actavis, Inc., et al.</i>,
)	Case No. 1:13-cv-03364
)	
)	

ORDER APPROVING SETTLEMENT

Plaintiff Angela Clark, individually and as guardian ad litem for William Connor Clark, a minor, filed this case in the Northern District of Illinois in May 2013. Plaintiff is the surviving spouse of decedent William B. Clark and the mother of minor wrongful death beneficiary William Connor Clark. William B. Clark is the biological father of William Connor Clark. Angela Clark and William Connor Clark are residents of the state of North Carolina.

The case was transferred to this Court on May 15, 2013, upon the Order by the Executive Committee, into *In Re Watson Fentanyl Patch Products Liability Litigation*, MDL 2372. Plaintiff's operative Complaint alleges that decedent, William B. Clark, died as a result of his use of a generic fentanyl transdermal system patch product manufactured, marketed, and distributed by Defendants Actavis, Inc. ("Actavis") (formerly known as Watson Pharmaceuticals, Inc.), Watson Pharma, Inc. ("Watson Pharma"), Watson Laboratories, Inc., a Nevada corporation ("WLI-Nevada"), and Watson Laboratories, Inc., a Delaware corporation ("WLI-Delaware"). Plaintiff asserts causes of action for (1) strict liability, manufacturing defect; (2) strict liability, design defect; (3) negligence; and (4) breach of implied warranty. In particular, Plaintiff alleges that a fentanyl transdermal system patch product used by decedent was defective and caused decedent to receive a lethal dose of fentanyl that was the cause of his death. Defendants have denied Plaintiff's allegations and deny liability on all of Plaintiff's claims.

Plaintiff and Defendants have announced to this Court that a confidential settlement has been reached between all parties (“the Settlement”) and have requested this Court approve the Settlement as it relates to minor wrongful death beneficiary William Connor Clark. This Court has the authority and jurisdiction to evaluate and approve the settlement reached in this matter as to minor wrongful death beneficiary William Connor Clark pursuant to 28 U.S.C. §1407 and the Transfer Order issued by the Judicial Panel on Multidistrict Litigation in *In Re Watson Fentanyl Patch Products Liability Litigation*, MDL 2372 on August 7, 2012.

Having considered the pleadings of all parties, all evidence presented to this Court regarding the facts of this case and the basis for Plaintiff’s claims and Defendants’ defenses, and the statements, representations, and arguments of counsel for all parties, the Court makes the following findings and determinations:

1. This Court has the authority to approve the Settlement in this case as it relates to the minor wrongful death beneficiary William Connor Clark.
2. Plaintiff Angela Clark is the mother of minor wrongful death beneficiary William Connor Clark. Plaintiff Angela Clark is the appropriate and proper representative of the Estate of William B. Clark and his wrongful death beneficiaries, including William Connor Clark, and she has authority to sue on his behalf in this case.
3. Appointment of a guardian ad litem to evaluate the Settlement and the terms of the Settlement, as those relate to minor wrongful death beneficiary William Connor Clark is not necessary in this case.
4. All parties, including Plaintiff Angela Clark and minor wrongful death beneficiary William Connor Clark, are represented by counsel in this matter. All parties have received counsel from their attorneys in this case, including with respect to the terms of the Settlement and the decision to enter into the Settlement to resolve all claims in this case.
5. A hearing for approval of the Settlement was held on May 23, 2013. All parties, including Plaintiff Angela Clark and minor wrongful death beneficiary William Connor Clark, were provided proper and adequate notice of the hearing to approve the Settlement as to minor

wrongful death beneficiary William Connor Clark, and all parties were advised and acknowledged that they had the right to personally appear at the hearing.

6. There is no requirement for either Plaintiff Angela Clark or minor wrongful death beneficiary William Connor Clark to personally attend the hearing and/or any proceeding in the Court's chambers related to such hearing or the Settlement.

7. To the extent any such requirement for personal appearance of Plaintiff Angela Clark or minor wrongful death beneficiary William Connor Clark at the hearing to approve the Settlement could be argued to exist, this Court hereby finds good cause to waive any such requirements as they place an undue burden on minor Plaintiff William Connor Clark. Therefore, the Court hereby waives any alleged requirement for the personal appearance of Plaintiff Angela Clark and/or minor wrongful death beneficiary William Connor Clark at the hearing to approve the Settlement in this case.

8. Further, Plaintiff Angela Clark has specifically waived any right she may have to personally appear at the hearing to approve the Settlement, and instead, Plaintiff Angela Clark has chosen to only be represented personally by and through her attorney of record, Michael Heygood.

9. Counsel for the parties have provided the Court with the confidential terms of the Settlement *in camera* and the Court has made a full and complete review of the terms of the Settlement and considered those terms in conjunction with the evidence presented to the Court in this case.

10. There is no objection by any party or any other person, including any beneficiary or family member of Plaintiff Angela Clark or decedent William Connor Clark, to the Settlement or the terms of the Settlement.

11. Counsel for Plaintiff has provided the Court with a proposal for distribution of the entirety of the funds from the Settlement *in camera*, including the distributions to minor wrongful death beneficiary William Connor Clark. Pursuant to Plaintiff's counsel's proposed

distribution, net proceeds from the Settlement will be utilized by Defendants to purchase an annuity for the benefit of minor wrongful death beneficiary William Connor Clark.

12. There is no objection by any party or any other person, including any beneficiary or family member of Plaintiff Angela Clark or decedent William B. Clark, to the proposal for distribution of the funds from the Settlement, including the proposal for the distribution to minor wrongful death beneficiary William Connor Clark.

13. Wherefore, the Court hereby finds that the Settlement and the terms of the Settlement are in the manifest best interests of minor wrongful death beneficiary William Connor Clark, and therefore, the Court hereby approves the Settlement and the terms of the Settlement in their entirety.

14. Furthermore, the Court hereby finds that the proposal for distribution of the proceeds of the Settlement, including the proposal for distribution to minor wrongful death beneficiary William Connor Clark through use of a structured annuity, is in the best interests of minor wrongful death beneficiary William Connor Clark, and therefore the Court hereby approves the terms of the proposal for distribution submitted to the Court.

15. Furthermore, the Court finds that the attorney's fees charged and expenses incurred by Plaintiff's counsel related to the Settlement are fair, reasonable, and approved.

16. This Order approving the Settlement binds minor Plaintiff William Connor Clark to the terms of the Settlement.

IT IS SO ORDERED.

Dated: June 4, 2013



U.S. District Court Judge Matthew Kennelly