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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

IN RE: ACTOS® (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT APPLIES TO:
ALL CASES

MDL NO. 6:11-MD-2299

JUDGE DOHERTY

MAGISTRATE JUDGE HANNA

**AMENDED ORDER TO ADMINISTER SETTLEMENTS
RESOLVING CASES & CLAIMS OF QUALIFYING PROGRAM CLAIMANTS**

Upon Agreed Motion of the PSRC and Takeda, and for good cause shown, the Court hereby Orders as follows:

1. To assist in the administration of the settlement of claims brought by Qualifying Program Claimants, as that term is defined in the Master Settlement Agreement executed on April 28, 2015 (the "Agreement")¹ by and between the PSRC and Takeda, which sets forth the terms of the ACTOS Resolution Program (the "Program"), and consistent with the PSRC and Takeda's agreements, the "Actos Settlement Fund" shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, pursuant to this Court's continuing subject matter jurisdiction over the underlying matter and consistent with Treas. Reg. Section 1.468B-1(c)(1). The Actos

¹ Capitalized terms used without definition have the meanings ascribed to them in the Agreement.

Settlement Fund shall remain subject to this Court's continuing jurisdiction for the purposes of ensuring compliance with this Order.

2. All interim and final settlement payments to be made to or held for the benefit of Qualifying Program Claimants, to wit, those Claimants alleging a personal injury involving bladder cancer pending, as of April 28, 2015, in this MDL No. 2299, and in other federal and / or state courts identified in prior filings with this Court, who meet all the terms and conditions of the ACTOS Resolution Program as memorialized in the Agreement, and to be paid by Takeda, shall be paid into the Actos Settlement Fund. Takeda shall have no liability with regard to the conduct of the QSF Administrator or to the Actos Settlement Fund itself. Takeda's liability to the Qualifying Program Claimants shall terminate with payments into the Actos Settlement Fund.

3. **Garretson Resolution Group, Inc.** is appointed as QSF Administrator and Trustee ("QSF Administrator"), shall serve without bond, and shall serve pursuant to the terms, conditions and restrictions of the Agreed Motion to Administer Settlements Resolving Cases & Claims of Qualifying Program Claimants, and said QSF Administrator is given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion; to be consistent with, and subject to the terms of the Agreement.

4. No bond is required, provided that all monies received by the Actos Settlement Fund, which includes all principal and interest earned thereon, shall be deposited according to the terms and conditions of the Motion) for the benefit of and titled in the legal name of the Fund, and invested in accordance with the Motion, and following the instructions of the Administrator, in consultation with the PSRC and Takeda.

5. The QSF Administrator is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.

6. The QSF Administrator is authorized to distribute all attorneys' fees and litigation expenses to counsel for Qualifying Program Claimants, consistent with existing contingency fee contracts or, to the extent required by law, and, where required by law in an individual case, upon Court approval on Motion of a Qualifying Program Claimant's counsel, and / or the PSRC. Distributions of attorneys' fees may also be in lump sum or periodic payment form, with any payments to be made for the convenience of such Qualifying Program Claimants.

7. The QSF Administrator is authorized, upon final distribution of all Settlement Fund received into, and disbursed out of the Fund, to take appropriate steps to wind down the fund and thereafter discharging the QSF Administrator from any further responsibility with respect to the Fund, without further Order from this Court.

8. The QSF Administrator shall take all such actions to open accounts with the Banks consistent with this Order, including use of the following Federal Employer Identification Number for the Actos Settlement Fund: **61-1751275**.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 14 day of December, 2015.



HONORABLE REBECCA F. DOHERTY
UNITED STATES DISTRICT COURT