

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC) MDL Docket No. 2326
PRODUCTS LIABILITY LITIGATION) HONORABLE JUDGE JOSEPH R.
) GOODWIN

PRETRIAL ORDER # 133
(ORDER TO ADMINISTER SETTLEMENTS
RESOLVING CASES AND CLAIMS OF ANDRUS WAGSTAFF, P.C.
PLAINTIFFS)

Pending is an Unopposed Motion to Administer Settlements resolving Cases and Claims of Andrus Wagstaff, P.C. Plaintiffs, filed December 11, 2015. [ECF No. 1264]. Upon consideration of the Motion of Andrus Wagstaff P.C. and for good cause shown, the court hereby **ORDERS** as follows:

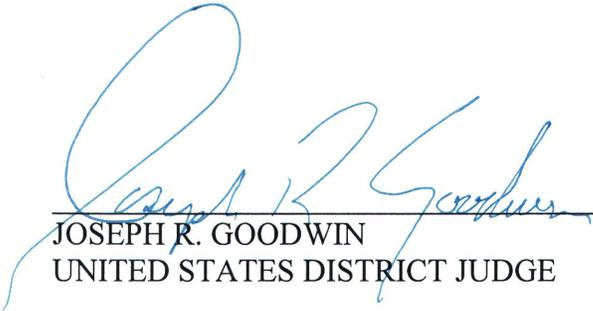
1. The Unopposed Motion is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of Andrus Wagstaff P.C. (“AW”) (which shall include all plaintiffs represented by AW in the settlement agreement executed November 4, 2015, as well as any clients of AW who enter into settlements with defendants in the future), the AW BSC Qualified 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). All settlements reached by and between Plaintiffs in state or federal litigation or Claimants who are represented by AW and Defendants pursuant to the Master Settlement Agreement

dated as of November 4, 2015, shall be paid into the AW BSC Qualified Settlement Fund.

3. ARX Management, LLC is appointed as Fund Administrator and Trustee and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion to Administer Settlements resolving Cases and Claims of Andrus Wagstaff, P.C. Plaintiffs and said Fund Administrator is given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
4. The AW BSC Qualified Settlement Fund, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at U.S. Bank National Association, a national banking association doing business in Minneapolis, MN (“U.S. Bank”), in the name of the QSF Administrator. The Administrator shall be responsible for any and all investment related decisions pursuant to these terms and conditions. The QSF Administrator retains the right to remove U.S. Bank, with or without cause, in its sole and absolute discretion. The QSF Administrator may designate a replacement bank.
5. The Fund 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 Fund Administrator is authorized, upon final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the Fund.

The court DIRECTS the Clerk to file a copy of this order in 2:12-md-2326 and it shall apply to each member related case previously transferred to, removed to, or filed in this district *where applicable*, which includes counsel in all member cases up to and including civil action number 2:15-cv-16214. 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: December 18, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE