

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: C.R. BARD, INC. ]  
PELVIC REPAIR SYSTEMS ]  
PRODUCTS LIABILITY LITIGATION ]  
 ]  
\_\_\_\_\_ ]

MDL NO. 2187

**PRETRIAL ORDER # 217  
(ORDER APPOINTING CATHY YANNI AS SPECIAL MASTER  
FOR PRIVATE SETTLEMENT AGREEMENTS BETWEEN COVIDIEN AND  
CERTAIN PLAINTIFFS' COUNSEL)**

Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A. (collectively, "Plaintiffs' Counsel") has entered into a separate Confidential Master Settlement Agreement (the "Settlement Agreement") with Covidien LP and related entities defined by agreement as "Covidien" to resolve the claims related to the implantation of Covidien's Pelvic Repair Products (as defined in the Settlement Agreement). Under the provisions of the Settlement Agreement, Plaintiffs' Counsel has agreed to seek the approval of this Court to appoint a Special Master to perform certain defined functions related to the administration and implementation of the Settlement Agreement. Accordingly, Plaintiffs' counsel has moved for this Court's approval of Cathy Yanni as Special Master. The Court, pursuant to its inherent authority, and having considered the request, and cognizant of the important public policy of encouraging settlement among litigating parties, hereby issues the following Order.

**IT IS ORDERED THAT:**

1. Cathy Yanni, JAMS, Two Embarcadero Center, Suite 1500, San Francisco, CA 94111, is hereby appointed as the Special Master for the administration of the settlement reached between Levin Papantonio, Thomas, Mitchell, Rafferty & Proctor P.A. and Covidien,

related to the implantation of Covidien's Pelvic Repair Products (as defined in the Settlement Agreement).

2. The duties of the Special Master shall be as set forth in the Settlement Agreement entered into between Plaintiffs' Counsel and Covidien.
3. In furtherance of the fair and efficient administration and implantation of the settlements, the Special Master may have *ex parte* communications with the parties to the Settlement Agreement, Plaintiffs' Counsel and their clients, Covidien and its counsel, or the Court, and such *ex parte* communications shall not be deemed to have waived any attorney-client privileges.
4. The Special Master shall be compensated privately as specified respectively in the Settlement Agreement or by agreement with the Special Master.
5. An affidavit by the Special Master has been submitted to the Court and is attached hereto as Exhibit A.
6. The Special Master shall report to the Court on a quarterly basis or as requested by the Court.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2387 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:16-04385. 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](http://www.wvsd.uscourts.gov).

ENTER: May 17, 2016



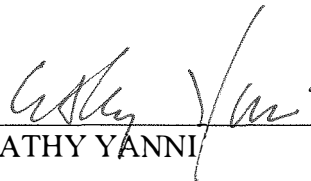
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE



4. Over the past 17 years, I have acted as a Special Master, mediator or arbitrator in over 10,000 matters. I was appointed by the Hon. Joseph R. Goodwin to act as the Special Master for certain private settlement agreements between Covidien and certain Plaintiffs' counsel. I was appointed Settlement and Discovery Special Master by The Hon. Dan Polster, Northern District of Ohio, in *Gadolinium Contrast Dyes Product Liability Litigation*. I was appointed Special Master by The Hon. Richard Kramer, Superior Court of California, San Francisco County for the *Gadolinium Contrast Dyes Product Liability Litigation*. I served as Special Master for the *St. Jude Riata Lead Wire Medical Device Litigation*. I also served as Special Master for *Kelly v. Xoft*, and mediated and allocated funds for claims arising out of alleged Tungsten Migration used in breast cancer treatment. I was appointed Special Master by the Hon. Wynne Carvill, Superior Court of California, Alameda County for the *Medtronic Infuse Litigation* to oversee, administrate and allocate and inventory settlement. I was appointed Special Master in the *PPA Consolidated Cases* by The Hon. Anthony Mohr, Superior Court of California, Los Angeles County, for all remaining PPA cases (Phenylpropanolamine, an additive in over the counter diet and cold medications). I was appointed Federal Mediator in *Baycol MDL* by The Hon. Michael J. David, District of Minnesota. I was appointed Settlement Special Master in the *Bextra MDL* to allocate and distribute multi-million dollar settlement proceeds. I was appointed Settlement Special Master in the *Ortho Evra MDL* to design and implement allocation of multi-million dollar settlement proceeds to claimants. I was appointed Settlement Special Master in the *Zicam I and II MDL* for allocation of settlement proceeds. I was appointed Settlement Special Master in the *Zyprexa I and II MDL* by The Hon. Jack Weinstein, Eastern District of New York, to design and implement claims administration process and allocation of a \$800 million dollar settlement. Finally, I was appointed Federal Mediator in *Silicon Gel Breast Implant Litigation* by The Hon. Denise Hood, US District Court Eastern District Michigan.

5. I have thoroughly familiarized myself with the issues involved in the case captioned above, as a result of my knowledge of that case, I can attest and affirm that there are

no grounds for disqualification that would prevent me from serving as a Special Master in the above captioned matter. I have reviewed the pleadings, medical information and scientific information pertaining to mesh cases generally and specifically as it relates to the litigation involving C.R. Bard manufactured products. I will use the information gathered and my experience in performing my duties as Special Master.

  
CATHY YANNI

Sworn to before me this  
7 day of August, 2015


  
NOTARY PUBLIC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Francisco

Subscribed and sworn to (or affirmed) before me on this  
7<sup>th</sup> day of August 2015,  
by Cathy Yanni  
proved to me on the basis of satisfactory evidence to be  
the person(s) who appeared before me.

Signature 

 **JOSH SANCHEZ**  
COMM. #2117537  
Notary Public - California  
San Francisco County  
Comm. Expires Jun 28, 2019