

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

In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation	MDL No. 2187  Hon. Joseph R. Goodwin
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**PRETRIAL ORDER # 252  
(ORDER RE: QUALIFIED SETTLEMENT FUND- COVIDIEN LP,  
AYLSTOCK, WITKIN, KREIS & OVERHOLTZ, PLLC AND  
PARTICIPATING LAW FIRMS)**

Pending is an Unopposed Motion for Approval of Qualified Settlement Fund and Appointment of Settlement Administrator, filed April 27, 2017 [Docket 3675]. Aylstock, Witkin, Kreis & Overholtz, PLLC and Participating Law Firms (collectively referred to herein as “Plaintiffs’ Counsel”) as counsel for certain plaintiffs in *In Re: C. R. Bard, Inc. Pelvic Repair Systems Products Liability Litigation*, MDL 2187 (S.D. W.Va.), *In Re: Tyco/Covidien Transvaginal Mesh Litigation*, MICV2012-03700-N (Mass. Sup. Ct.), and *In Re: Pelvic Mesh Litigation/Bard*, Superior Court of New Jersey Law Division, Bergen County NJ Master Docket No., L-6341-10--CT, *Civil Action Bard Litigation*, Case No. 292 CT (N.J. Super. Ct.), and other Claimants listed in Exhibit A (“Settling Claimants”) of the Confidential Master Settlement Agreement (“MSA”) have moved the Court for entry of an Order to aid in the efficient processing and administration of a Confidential Master Settlement Agreement (the “MSA”) between Defendant Covidien LP and its parent and subsidiary companies (“Covidien”) and Plaintiffs’ counsel to resolve the claims of certain claimants against Covidien relating to the implant of Covidien Pelvic Repair Products (as defined in the MSA). In particular, the parties seek an Order (1) approving an Escrow Agreement (the “Escrow Agreement”) which forms a

settlement escrow account (the “Settlement Escrow”), (2) retaining jurisdiction and supervision over the Settlement Escrow, (3) determining that the Settlement Escrow constitutes a “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (the “Code”) and Treasury Regulation sections 1.468B-1, *et. seq.*, and (4) the appointment of a Qualified Settlement Fund Administrator.

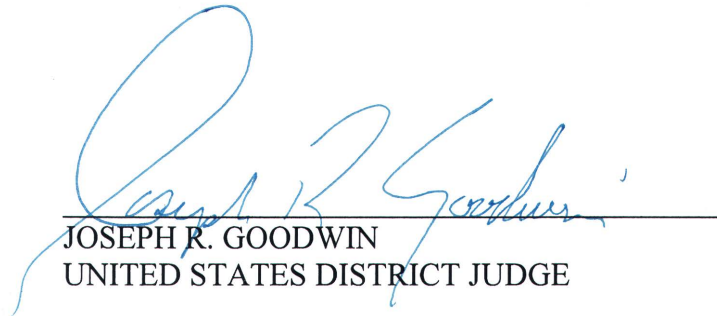
The Court, having reviewed the Motion and Escrow Agreement, and finding good and sufficient cause, **FINDS** and **ORDERS** the following:

1. The Unopposed Motion is **GRANTED**;
2. The terms of the Escrow Agreement are hereby approved;
3. The Settlement Escrow constitutes a qualified settlement fund within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“the Code”) and Treasury Regulation sections 1.468B-1, *et. seq.* The Court further retains continuing jurisdiction and supervision over the Settlement Escrow, in accordance with the terms of the Escrow Agreement;
4. The appointment of Amegy Bank to serve as the escrow agent (“Escrow Agent”) pursuant to the Escrow Agreement is approved. The Escrow Agent shall administer the Settlement Escrow in accordance with the terms of the Escrow Agreement. Further the funds held by the Escrow Agent in the Settlement Escrow shall be disbursed by the Escrow Agent only pursuant to and in conformance with the terms of the Escrow Agreement and MSA, which includes provisions for payments into the MDL No. 2187 Fund; and
5. The appointment of Scott H. Freeman, The Settlement Alliance, 5847 San Felipe St., Suite 4550, Houston, Texas 77057, as Qualified Settlement Fund Administrator is approved.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:10-md-2187 and it shall apply to each member 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 2:17-cv-02893.

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 18, 2017



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE