

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

**IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC REPAIR SYSTEM PRODUCT
LIABILITY LITIGATION**

MDL NO. 2325

PRETRIAL ORDER NO. 248
(Qualified Settlement Fund - Motley Rice)

Motley Rice LLC (“Motley Rice”), as counsel for certain plaintiffs in this MDL 2325, has moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential settlement agreement (the “Settlement Agreement”) between Motley Rice and Astora Women’s Health, LLC (as successor in interest to American Medical Systems, Inc.’s women’s health business, Astora Holdings, LLC, Astora Women’s Health Holdings, LLC, and Astora Women’s Health Holdings, Inc.).

In particular, the Motion seeks an Order (1) approving the escrow agreement (“Motley Rice AMS/Astora 2017 Settlement Escrow Agreement”), attached to the Motion as Exhibit A, which forms a settlement escrow account named the Motley Rice 2017 AMS/Astora 2017 Settlement Escrow (“Settlement Escrow”) pursuant to the terms of the Settlement Agreement and the Motley Rice AMS/Astora 2017 Settlement Escrow Agreement established under the Settlement Agreement, (2) retaining continuing jurisdiction and supervision over the Settlement Escrow, and (3) determining that the Settlement Escrow, including any subaccounts thereof, together constitute a single “qualified settlement fund” within the meaning of section 468B of the Internal Revenue Code of 1986, as amended (“Code”) and Treasury Regulation sections 1.468B-1, *et seq.* (“Regulations”).

The Court, having reviewed the Motion and the Motley Rice AMS/Astora 2017 Settlement Escrow Agreement, and finding good and sufficient cause therefor, hereby **FINDS** and **ORDERS** as follows:

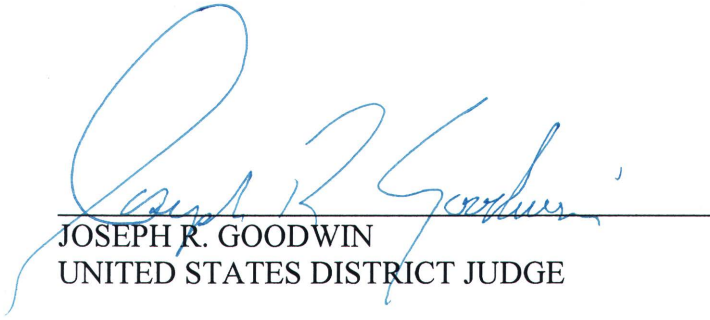
1) The Unopposed Motion [ECF No. 5157] is **GRANTED**;

2) The terms of the Motley Rice AMS/Astora 2017 Settlement Escrow Agreement are hereby approved; and

2) 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 Motley Rice AMS/Astora 2017 Settlement Escrow Agreement.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2325 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 2:17-cv-04321. 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.

SO ORDERED this 28th day of November, 2017.



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE