

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

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

**MDL No. 2325**

**HONORABLE  
JUDGE JOSEPH R. GOODWIN**

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**PRETRIAL ORDER # 252  
(Order Re: Qualified Settlement Fund – Blizzard & Nabers, LLP)**

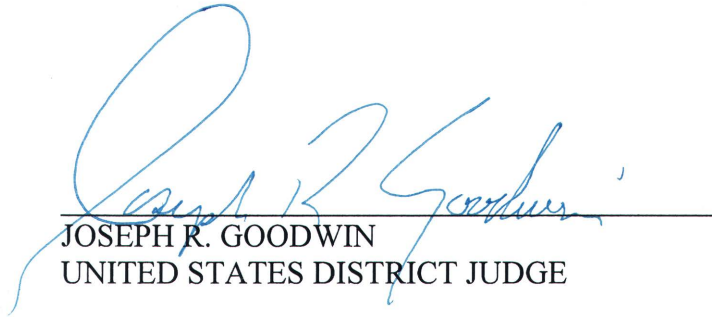
Blizzard & Nabers, LLP (“Claimants’ Counsel”), as counsel for certain plaintiffs in *In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation* MDL 2325 (S.D. W.Va.), moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential settlement agreement (the “Settlement Agreement”) entered into by Claimants’ Counsel 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.) on August 7, 2017. [ECF No. 5798]. In particular, the Motion seeks an Order (1) approving the trust agreement (“Blizzard & Nabers Astora Settlement Trust Agreement”), attached hereto as Exhibit A, which forms a settlement trust named the Blizzard & Nabers Astora Settlement Trust (“Settlement Trust”) pursuant to the terms of the Settlement Agreement and the Blizzard & Nabers Astora Settlement Trust Agreement, (2) retaining continuing jurisdiction and supervision over the Settlement Trust, and (3) determining that the Settlement Trust, including any subaccounts thereof, together constitute a “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 Blizzard & Nabers Astora Settlement Trust Agreement, and finding good and sufficient cause therefore, hereby **FINDS** and **ORDERS** as follows:

- (1) The Unopposed Motion for Approval of Qualified Settlement Fund [ECF. No. 5798] is **GRANTED**;
- (2) The terms of the Blizzard & Nabers Astora Settlement Trust Agreement are hereby approved; and
- (3) The Settlement Trust 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 Trust, in accordance with the terms of the Blizzard & Nabers Astora Settlement Trust 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 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 2:18-cv-00462. 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:** March 26, 2018



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE