

**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**

PRETRIAL ORDER NO. 262
(Order Re: Qualified Settlement Fund – Law Offices of Charles H. Johnson, P.A.)

The Law Offices of Charles H. Johnson, P.A., as counsel for certain plaintiffs in *In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation MDL 2325*, 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 between the Law Offices of Charles H. Johnson, P.A. 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 Holding LLC, and Astora Women’s Health Holding, Inc.). Plfs.’ Mot. [ECF No. 6474].

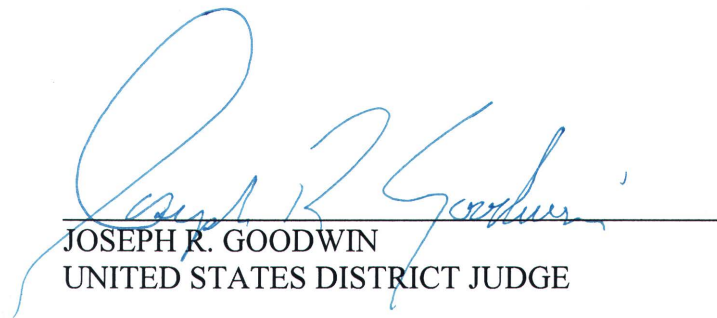
In particular, the Motion seeks an Order (1) approving the escrow agreement (“Charles H. Johnson Astora Escrow Agreement”), attached to the Motion as Exhibit A, which forms a settlement escrow account named the Charles H. Johnson Astora Settlement Escrow (“Settlement Escrow”) pursuant to the terms of 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 “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 Charles H. Johnson Astora Escrow Agreement, and finding good and sufficient cause therefore, hereby **FINDS** and **ORDERS** as follows:

- (1) The Amended Unopposed Motion [ECF No. 6474] is **GRANTED**;
- (2) The terms of the Charles H. Johnson Astora Escrow Agreement are hereby approved; and
- (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 Charles H. Johnson Astora 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 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 2:18-cv-01182. 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: August 15, 2018.



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE