

**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 Docket No. 2325

**HONORABLE
JUDGE JOSEPH R.
GOODWIN**

**PRETRIAL ORDER # 271
(ORDER RE: QUALIFIED SETTLEMENT FUND
= CUTTER LAW, P.C.)**

Pending is an Unopposed Motion for Approval of Qualified Settlement Fund, filed December 4, 2018. [ECF No. 7040]. Cutter Law, P.C. (“Cutter Law”), as counsel for certain claimants in MDL No. 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 Defendant 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.) (“Astora”) and Cutter Law to resolve the claims of certain claimants against Astora relating to the implant of Astora Pelvic Mesh Products (as defined in the Settlement Agreement). The Court, having reviewed the Motion, and finding good and sufficient cause, **FINDS** and **ORDERS** the following:

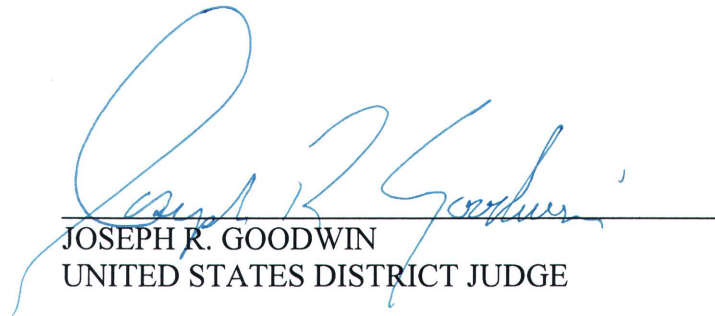
1. The Unopposed Motion [ECF No. 7040] is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of Cutter Law, the CUTTER LAW ASTORA Qualified Settlement Fund shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, pursuant to this court's continuing subject matter jurisdiction over the underlying matter and consistent with Treas. Reg.

Section 1.468B-1(c)(1). All settlements reached by and between Astora and Claimants in state or federal litigation or Claimants who are represented by Cutter Law pursuant to the Master Settlement Agreement dated August 20, 2018, shall be paid into the CUTTER LAW ASTORA Qualified Settlement Fund.

3. The parties have agreed that Providio MediSolutions, LLC shall be the Trustee of the Settlement Trust and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion, the parties' Master Settlement Agreement, and the parties' Trust Agreement.
4. The CUTTER LAW ASTORA Qualified Settlement Fund, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at Huntington National Bank. Investment related decisions shall be made pursuant to the terms and conditions set forth in the parties' Master Settlement Agreement and Trust Agreement, and disbursements from the CUTTER LAW ASTORA Qualified Settlement Fund shall be made pursuant to the terms of the Master Settlement Agreement and Trust Agreement, which include provisions for payments into the MDL No. 2325 Fund.
5. The Trustee is authorized to effect qualified assignments of any resulting structured settlement liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.
6. The Trustee is authorized, upon final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Trustee shall then be discharged from any further responsibility with respect to the Fund.

The court DIRECTS the Clerk to file a copy of this order in 2:12-md-02325 and it shall apply to each member related case. 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.wvsc.uscourts.gov.

ENTER: December 11, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE