

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

IN RE: BOSTON SCIENTIFIC CORP.) MDL Docket No. 2326
PELVIC REPAIR SYSTEM PRODUCTS)
LIABILITY LITIGATION)

PRETRIAL ORDER # 173
(TO ADMINISTER SETTLEMENTS RESOLVING
JLG LLP PLAINTIFFS)

Pending is an Unopposed Motion for Approval of a Qualified Settlement Fund, filed October 5, 2017. [ECF No. 4424]. Also pending is an Amended Unopposed Motion for Approval of Qualified Settlement Fund [ECF No. 4473] filed October 13, 2017, and Amended Unopposed Motion for Approval of Qualified Settlement Fund [ECF No. 4495] filed October 18, 2017. Upon consideration of the Motions of Johnson Law Group (“JLG”) and for good cause shown, the court hereby **FINDS** and **ORDERS** as follows:

1. The Amended Unopposed Motion for Approval of Qualified Settlement Fund [ECF No. 4495] is **GRANTED**.
2. The Unopposed Motion for Approval of a Qualified Settlement Fund [ECF No. 4424] and the Amended Unopposed Motion for Approval of Qualified Settlement Fund [ECF No. 4473] are **DENIED AS MOOT**.
3. The terms of The JLG-BSC Settlement Escrow Agreement are approved. The JLG-BSC Settlement Escrow Agreement is attached as Exhibit A [ECF No. 4495-1] to the Unopposed Motion [ECF No. 4495].

4. In order to assist in the administration of the settlement of claims brought by the clients of JLG (which shall include all plaintiffs represented by JLG in the settlement agreement executed December 12, 2016, as well as any clients of JLG who enter into settlements with defendants in the future), The JLG-BSC 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 Plaintiffs in state or federal litigation or Claimants who are represented by JLG pursuant to the Master Settlement Agreement dated as of December 12, 2016, shall be paid into The JLG-BSC Qualified Settlement Fund.
5. The Settlement Alliance, LLC is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of the Unopposed Motion and the Settlement Agreement. JLG and said Fund Administrator are given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
6. The JLG-BSC Qualified Settlement Fund, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at Cadence Bank, N.A. ("Cadence"), and Cadence shall serve as the Custodian of the Fund. Investment related decisions shall be made pursuant to the terms and conditions set forth in the Motion, and disbursements from The JLG-BSC Qualified Settlement Fund shall be made pursuant to the terms of the Settlement Agreement.

7. The Fund Administrator 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.
8. The Fund Administrator is authorized, upon final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Fund Administrator is 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-2326 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-04175. 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.

ENTERED: October 19, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE