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FILED

AUG 02 2018

MARY F. THURBER, J.S.C.

GREENBERG TRAUIG LLP

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McCARTER & ENGLISH, LLP

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David R. Kott, Esq. – N.J. Attorney ID #018131977
Four Gateway Center
100 Mulberry Street
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Attorneys for Defendant
C. R. Bard, Inc.

MARY MCGINNIS AND THOMAS WALSH
MCGINNIS,

Plaintiffs,

v.

C. R. BARD, INC., AND JOHN DOES 1-20,

Defendants.

SUPERIOR COURT OF NEW JERSEY,
LAW DIVISION
BERGEN COUNTY

Docket No.: BER-L-17543-14

BARD LITIGATION
CASE NO. 292

**CONSENT ORDER APPROVING
SUPERSEDEAS BOND AND STAYING
JUDGMENT PENDING APPEAL**

THIS MATTER having been opened to the Court by McCarter & English, LLP, attorneys for Defendant C.R. Bard, Inc., for the entry of a Consent Order approving the Defendant's supersedeas bond and staying execution on the Final Judgment pending disposition of appeals; and the Plaintiffs having consented to the form and entry of this Order; and for good cause appearing;

IT IS on this 2nd day of August, ~~June~~, 2018;

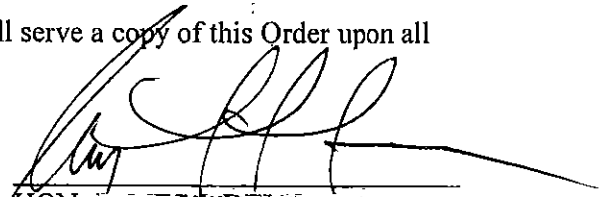
ORDERED that Defendant's proposed supersedeas bond (copy attached) in the amount of \$80,000,000.00, representing the entire amount of the Judgment entered against Defendant at trial, inclusive of pre-judgment interest through April 30, 2018 (which totals \$73,537,460.43), plus an appropriate amount of post-judgment interest calculated from the date of the entry of said Judgment, be and hereby is approved;

IT IS FURTHER ORDERED that execution on the Judgment entered by this Court on April 30, 2018, be and hereby is stayed and shall remain stayed during the pendency of Defendant's appeals of the Judgment;

IT IS FURTHER ORDERED that Defendant shall pay the Judgment (including all pre and post judgment interest) within thirty (30) days after all of Defendant's appeals are exhausted.;

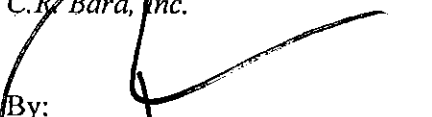
IT IS FURTHER ORDERED that Defendant shall file a copy of the supersedeas bond with the Court within fourteen (14) days of the receipt of this Order, with the Original to be held in escrow by counsel for Defendant, McCarter & English, LLP; and

IT IS FURTHER ORDERED that Defendant shall serve a copy of this Order upon all counsel of record within seven days of the receipt thereof.



HON. **MARY F. THURBER, J.S.C.**

We hereby consent to the form and entry of this Order.

McCARTER & ENGLISH, LLP
Attorneys for Defendant
C.R. Bard, Inc.

By: 
David J. Cooner

MAZIE SLATER KATZ & FREEMAN, LLC
Attorneys for Plaintiffs
Mary McGinnis and Thomas Wash McGinnis

By: 
Adam M. Slater, Esq.

SUPERSEDEAS BOND

Bond No. 015202008

IN THE Superior
COUNTY OF Bergen

COURT OF New Jersey
STATE OF New Jersey

Mary McGinnis and Thomas Walsh McGinnis)

) CASE NO. 292

v.

) DOCKET NO. BER-L-017543-14

C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc.,
Bard Urological Division, a Division of Bard Medical Division and
John Does 1-20)

KNOW ALL MEN BY THESE PRESENTS, That we, C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc. Bard Urological Division
a Division of Bard Medical Division and John Does 1-20 as Principal, and Liberty Mutual Insurance Company
a Massachusetts corporation, as Surety are held and firmly bound unto
Mary McGinnis and Thomas Walsh McGinnis
in the amount of Eighty Million & 00/100

Dollars (\$80,000,000.00)

for the payment of which, well and truly to be made, we bind ourselves, our successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc., Bard Urological Division, a Division of Bard Medical Division and John Does 1-20

has petitioned the Superior Court for the State of New Jersey

for an appeal to said court of an action previously decided in Superior

court, wherein the said C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc., Bard Urological Division, a Division of Bard Medical Division and John Does 1-20
is Defendant, and being numbered BER-L-01753-14 on the docket thereof;

NOW THEREFORE, the condition of this obligation is such that if the said C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc. Bard Urological Division, a Division of Bard Medical Division and John Does 1-20

shall pay all costs, disbursements and judgements incurred by reason of the said appeal proceeding, then this obligation shall be null and void and released, otherwise to remain in full force and effect, provided however, the maximum liability of the surety shall not exceed the penal sum of Eighty Million & 00/100

Dollars (\$80,000,000.00)

IN WITNESS WHEREOF, C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc., Bard Urological Division, a Division of Bard Medical Division and John Does 1-20
as Principal and Liberty Mutual Insurance Company, as Surety, have hereunto set our hands this

21st day of May, 2018 .

ATTEST/WITNESS

By: *Sandy Reyes*

C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc., Bard Urological Division, a Division of Bard Medical Division and John Does 1-20

By: *[Signature]* Principal

Liberty Mutual Insurance Company

By: *April D Perez* Attorney-in-Fact

CORPORATE ACKNOWLEDGMENT

STATE OF New Jersey

COUNTY OF Union

On this 11 day of June, 2018 before me

personally came

Herman Cueto to me known,

who, being by me duly sworn, did depose and say that he/she resides in

Westfield, NJ that he she is the

SVP + CFO of C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc., Bard Urological Division, a Division of Bard Medical Division, and John Does 1-20

that corporation described in and which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and he/she signed his/her name thereto by like order.

(SEAL)

Lynn Diakogiannis
6/11/2018

LYNN DIAKOGIANNAKIS
NOTARY PUBLIC OF NEW JERSEY
ID # 2343381
My Commission Expires 4/18/2021

State of New Jersey }
County of Morris } ss:

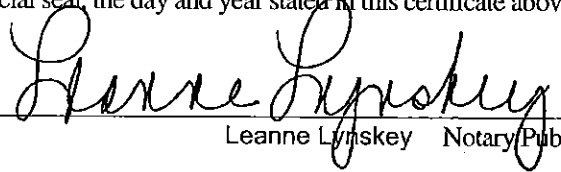
On May 21, 2018, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared

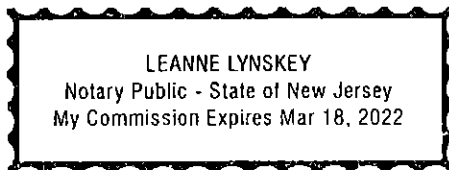
April D. Perez

known to me to be Attorney-in-Fact of Liberty Mutual Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires March 18, 2022


Leanne Lynskey Notary Public



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees. To confirm the validity of this Power of Attorney call 610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, April D. Perez

of the city of Morristown, state of New Jersey its true and lawful attorney-in-fact, with full power and authority hereby conferred to sign, execute and acknowledge the following surety bond:

C.R. Bard, Inc., Bard Medical Division, a Division of C.R. Bard, Inc., Bard Urological Division, a Division of Bard Medical
Principal Name: Division and John Does 1-20

Obligee Name: Mary McGinnis & Thomas Walsh McGinnis

Surety Bond Number: 015202008 Bond Amount: \$80,000,000.00

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 27th day of February, 2017.



The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company
By: David M. Carey
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 27th day of February, 2017, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Upper Merion Twp., Montgomery County
My Commission Expires March 28, 2021
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 21st day of May, 2018.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary



LIBERTY MUTUAL INSURANCE COMPANY
 FINANCIAL STATEMENT — DECEMBER 31, 2017

Assets	
Cash and Bank Deposits.....	\$370,003,299
*Bonds — U.S Government.....	1,331,664,975
*Other Bonds.....	11,127,053,004
*Stocks.....	16,367,850,688
Real Estate.....	272,895,626
Agents' Balances or Uncollected Premiums.....	5,258,657,823
Accrued Interest and Rents.....	100,341,596
Other Admitted Assets.....	<u>11,192,287,530</u>
Total Admitted Assets.....	<u>\$46,020,754,541</u>

Liabilities	
Unearned Premiums.....	\$7,503,154,587
Reserve for Claims and Claims Expense.....	19,658,731,454
Funds Held Under Reinsurance Treaties.....	224,693,828
Reserve for Dividends to Policyholders.....	967,520
Additional Statutory Reserve.....	52,491,027
Reserve for Commissions, Taxes and Other Liabilities.....	<u>4,049,392,852</u>
Total.....	<u>\$31,489,431,268</u>
Special Surplus Funds.....	\$176,230,822
Capital Stock.....	10,000,000
Paid in Surplus.....	9,484,316,385
Unassigned Surplus.....	4,860,776,066
Surplus to Policyholders.....	<u>14,531,323,273</u>
Total Liabilities and Surplus.....	<u>\$46,020,754,541</u>



* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
 The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the state of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2017, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 16th day of March, 2018.

T Mikolajewski

Assistant Secretary