

FILED

AUG 05 2021

**RACHELLE L. HARSEY
J.S.C.**

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - BERGEN COUNTY**

IN RE PELVIC MESH/GYNECARE
LITIGATION,

MASTER DOCKET NO.
BER-L-11575-14

CIVIL ACTION
In re Pelvic Mesh/Gynecare
Litigation
Case No. 291

Order Approving Qualified Settlement Fund

Mazie Slater Katz & Freeman, LLC (“MSKF”), as counsel for certain plaintiffs in this proceeding (“Plaintiffs”), has applied to the Court for entry of an Order to aid in the efficient processing and administration of a Confidential Settlement Agreement dated March 16, 2021 (the “Settlement Agreement”) between Defendant Boston Scientific Corporation (“BSC”) and MSKF to resolve the claims of certain claimants against BSC relating to the implant of BSC Pelvic Mesh Products (as defined in the Settlement Agreement). The Court, finding good and sufficient cause, FINDS and ORDERS the following:

1. The application is **GRANTED**.
2. In order to assist in the administration of the settlement of claims brought by the clients of MSKF, the MSKF-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

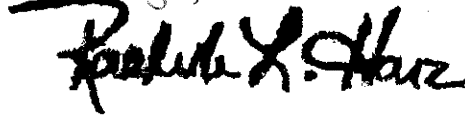
subject matter jurisdiction over the underlying matter and consistent with Treas. Reg. Section 1.468B-1(c)(1). All settlements reached by and between BSC and Plaintiffs in state or federal litigation or claimants who are represented by MSKF pursuant to the Settlement Agreement shall be paid into the MSKF-BSC Qualified Settlement Fund.

3. The Garretson Resolution Group, Inc. d/b/a Epiq Mass Tort (“Epiq”), is appointed as Fund Administrator and shall serve pursuant to the terms, conditions and restrictions of this Order, the Settlement Agreement, and a Fund Administration Agreement to be executed between and among Epiq, MSKF and BSC. MSKF and Epiq are given the authority to conduct any and all activities necessary to administer this Fund as described in the Motion.
4. The MSKF-BSC Qualified Settlement Fund, which includes all principal and interest earned thereon, shall be deposited in an account held in custody at J.P. Morgan Chase Bank, N.A (“JPM Chase”) and JPM Chase shall serve as the Escrow Agent pursuant to the terms of the Parties’ Escrow Agreement with JPM Chase.
5. Investment related decisions shall be made pursuant to the terms and conditions set forth in the Settlement Agreement and Escrow Agreement, with disbursements from the MSKF-BSC Qualified Settlement Fund also being made pursuant to the terms of the Escrow Agreement and Settlement

Agreement, which include provisions for payments into the MDL No. 2327 Fund.

6. The fundamental goal of the Administrator is to preserve the Fund's assets held within the MSKF BSC Qualified Settlement Fund, reduce investment costs and fees, and earn a reasonable but safe return on investment of those funds. The Administrator may replace JPM Chase as Escrow Agent following consultation with MSKF and with the express approval of BSC, whose approval shall not be unreasonably withheld, with any successor escrow agent subject to the same terms and conditions as JPM Chase.
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, and for the convenience of Plaintiffs.
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.

Date: August 5th, 2021



Hon. Rachelle L. Harz, J.S.C