

NAPOLI BERN RIPKA SHKOLNIK, LLP
One Greentree Center, Suite 201
Marlton, NJ 08053
(856) 988-5574
Attorneys for Plaintiffs

FILED

SEP 14 2012

**BRIAN R. MARTINOTTI
J.S.C.**

NICOLE BASCIANO,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION, BERGEN COUNTY
	:	
Plaintiff,	:	CIVIL ACTION - CASE CODE 287
v.	:	
	:	BER-L-7403-10MT
	:	
BAYER CORPORATION, ET AL.,	:	YAZ® LITIGATION
	:	
	:	ORDER TO ESTABLISH THE
	:	NAPOLI BERN RIPKA SHKOLNIK,
	:	LLP YAZ CLIENT QUALIFIED
Defendants.	:	SETTLEMENT FUND

THIS MATTER having been opened to this Court by and through counsel for Plaintiffs, Napoli Bern Ripka Shkolnik, LLP, for permission to establish a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, forth both the plaintiffs in the above-captioned matter and all plaintiffs represented by the Napoli firm in the YAZ®, YASMIN®, OCELLA® litigation, and the Court, having reviewed the submissions of plaintiffs' counsel, and there being no objection from defendants or their counsel and for good cause having been shown,

It is, on this 14 day of September, 2012, hereby ORDERED that the Court hereby GRANTS the motion to establish the requested Qualified Settlement Fund and further Orders as follows:

1. In order to assist in the administration of the settlement of claims brought by the clients of the law firm of Napoli Bern Ripka Shkolnik LLP (including ALL Yaz clients of Napoli

099

Bern Ripka Shkolnik LLP who are similarly situated), the Napoli Bern Ripka Shkolnik LLP Yaz Client Settlement Fund (the "Fund") shall be established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1 and pursuant to this Court's subject matter jurisdiction under Treas. Reg. Section 1.468B-1(c)(1). The Fund shall be governed by Section 468B of the Internal Revenue Code, together with the Treasury Regulations promulgated thereunder, and all such administrative announcements, notices, and information releases as shall be published by the Internal Revenue Service from time to time. All Yaz settlements reached by and between Plaintiffs who are represented by Napoli Bern Ripka Shkolnik LLP and Defendants shall be paid into the Napoli Bern Ripka Shkolnik LLP Yaz Client Settlement Fund as provided in the Motion To Administer Settlements Resolving Cases And Claims Of Napoli Bern Ripka Shkolnik LLP Plaintiffs And Establish Qualified Settlement Fund.

2. The Fund shall remain subject to the continuing jurisdiction of this Court during the entirety of its existence.

3. ATG Trust Company is appointed as Fund Administrator pursuant to the terms, conditions and restrictions of the Motion To Administer Settlements Resolving Cases And Claims Of Napoli Bern Ripka Shkolnik LLP Plaintiffs And Establish Qualified Settlement Fund and said Fund Administrator is given the authority to conduct any and all activities necessary to administer this Fund as described in said Motion.

4. All monies received by the Fund shall be placed into an account at ATG Trust Company and shall only be distributed as provided for in the Order Establishing the Qualified Settlement Fund and Appointing Fund Administrator.

5. The Fund is authorized to enter into Fund Agreements with Plaintiff clients of Napoli Bern Ripka Shkolnik LLP, as well as with Claimants who are represented by Napoli Bern Ripka Shkolnik LLP in future YAZ settlements, who are claiming damages or injury, including any entity asserting a statutory claim of subrogation, as a result of the Incident, including the use of settlements with periodic payments in a manner prescribed and approved by this Court.

6. The Fund is authorized to effect qualified or non-qualified assignments of any resulting structured settlement liability.

7. The Fund Administrator is authorized to distribute all attorney fees and litigation expenses to counsel for Plaintiffs, consistent with their existing contingency fee contracts including the use of structured attorney fees.

8. The Fund Administrator is authorized, upon completion of all Fund Agreements and final distribution of all monies paid into the Fund, to take appropriate steps to wind down the fund, and thereafter the Settlement Fund Administrator is discharged from any further responsibility with respect to the Fund.

IT IS SO ORDERED.

By the Court:



J.

Opposed

Unopposed