

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: DAVOL, INC. / C.R. BARD,
INC. POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case no. 2-18-md-2846

**JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

**This document relates to:
ALL ACTIONS LISTED ON EXHIBIT A.**

**MOTION TO ESTABLISH 468B QUALIFIED
SETTLEMENT FUND UNDER SEAL**

Plaintiffs, clients of McSweeney Langevin (“Claimants’ Counsel”) hereby seek the Court’s approval to establish the ML Hernia Mesh Qualified Settlement Fund (the “Fund”) in accordance with Section 468B of the Internal Revenue Code, and the Treasury Regulations promulgated thereunder. Plaintiffs also seek appointment of Orion Settlement Solutions, LLC (“OSS”) as Fund Administrator of the Fund. In seeking an Order from this Court pursuant to this Motion, Plaintiffs respectfully state the following:

1. The Fund is being established to resolve or satisfy one or more claims that have resulted or may result from injuries and damages sustained by all current and future Claimants’ Counsel clients pursuing claims relating to hernia repair products (“Claimants”). See Exhibit A attached hereto.

2. The Fund will receive gross, unallocated proceeds, including attorney fees and expenses, to satisfy claims made by the Claimants.

3. The Fund will remain subject to continuing jurisdiction of this Court and is intended to qualify as a “Qualified Settlement Fund” as defined in *Treas. Reg. Sec. 1.468B-1*.

4. Orion Settlement Solutions, LLC (“OSS”) possesses extensive experience administering Qualified Settlement Funds in numerous different causes of action. OSS’s address is 3001 North Davis Highway, Pensacola, FL 32503. OSS submits to the jurisdiction of this Court.

5. Ex-Parte is suitable pursuant to Section 468B of the IRS Code and as Defendants have no standing to object, as this Fund merely provides the Claimants flexibility to plan for the most advantageous use of any settlement proceeds to which they may ultimately be entitled, and it preserves the deductibility of the settlement for the Defendant.

6. The Fund, by and through the Fund Administrator, shall be permitted to make payments to the Claimants, Claimants' Counsel, and any entities asserting a claim of subrogation according to the terms of any settlement agreement(s), as well as entities engaged to assist in claims administration and the management of the Fund, including but not limited to the Fund Administrator and Lien Resolution Administrator.

7. The Fund Administrator shall have authority to execute all necessary documents to perform the duties of the Fund Administrator, including but not limited to executing all structured settlement assignment documents and structured attorney fee documents.

8. The claims made by the Claimants are made on account of physical bodily injury and arise out of alleged liability in tort or violation of law.

9. The gross proceeds paid into the Fund are the sole property of the Fund. No Fund property shall be made available to the Claimants in any fashion, until such time as the Fund Administrator is directed to disburse funds pursuant to a proper distribution request. Until such time as funds are distributed, the Claimants shall not possess any rights to demand or receive any

portion of Fund property or to mortgage, pledge, or encumber the same in any manner. To the extent possible, this Motion shall be construed so as to prevent the Claimants from having any actual or constructive receipt of Fund property. Under relevant property laws, no Claimant shall be considered to have constructive receipt or economic benefit or cash equivalency of any property of the Fund while such property is under the control of the Fund Administrator, subject to jurisdiction of this Court and distribution subject to future events and agreements. Furthermore, under *Davis v. Commissioner*, T.C. Memo 1978-12, the court established that for income to be constructively received, the funds must be made available to the taxpayer without substantial limitation. While under control of the Fund Administrator, the property of the Fund is not unqualifiedly subject to the Claimants' demand or withdrawal.

10. Claimants request that no bond be required, provided that all monies received by the Fund, which include all principal and interest earned thereon, shall be deposited in a custody account held at First Bankers Trust (the "Bank"), a financial institution doing business in Quincy, IL for the benefit of and titled in the legal name of the Settlement Fund and invested in instruments/securities comprised of (a) United States Agency, Government Sponsored Enterprises or Treasury securities or obligations guaranteed as to principal and interest by the United States of America (or a mutual fund invested solely in such instruments); (b) cash equivalent securities including commercial paper rated A-1/P-1 by Standard & Poor's and Moody's, SEC registered money market funds, and collateralized money market accounts; (c) investment-grade corporate bonds rated A3/A-/A- or better with the rating being awarded by a major rating agency (Moody's, Standard & Poor's, or Fitch); (d) obligations of, or any obligations guaranteed to as principal and interest by U.S. municipalities rated A3/A-/A- or better with the rating being awarded by a major rating agency (Moody's, Standard & Poor's, or Fitch); (e) U.S. Dollar denominated securitized

products rated A3/A-/A- or better with the rating being awarded by a major rating agency (Moody's, Standard & Poor's, or Fitch) and/or (f) deposit and similar interest-bearing, or non-interest bearing accounts, and certificates of deposit subject to Federal Depository Insurance Corporation protections as available, which may be held within the custody account or at the issuer bank. The Bank shall follow the instructions of the Fund Administrator and/or its investment advisor pursuant to these terms and conditions, such that a principal preservation investment policy is implemented. Notwithstanding the foregoing, the Bank shall not be allowed to distribute any income or principal from the Settlement Fund except upon instructions of the Fund Administrator, or, if requested, upon the order of this Court upon the joint motion of the parties. The Fund Administrator retains the right to remove the Bank, and may designate a replacement bank, upon the written consent of Claimants' Counsel. In the event of such replacement, the terms and conditions of this Paragraph including, without limitation, those addressing bond requirements, investments, and distributions from the Settlement Fund-shall apply to any such replacement bank. The Fund Administrator shall not be liable for any losses as a result of investing the Deposit as outlined herein and directed by the Court. Any such losses shall not be recoverable from the parties, and the parties and their counsel shall have no responsibility for the Fund Administrator's performance. Receipt and/or investment of any Deposit shall be confirmed to Claimants' Counsel by the Fund Administrator as soon as practicable by account statement or other reasonable method.

11. The Fund Administrator shall be indemnified and held harmless by the Claimants and their attorneys from any claims made by any alleged lien holder, or other person or entity that attempts to assert a right of payment, reimbursement or garnishment against the Settlement Fund. Should the Fund Administrator be named as a party to, or threatened to be made a party to, any threatened, pending or completed action, suit or proceeding of any kind, whether civil,

administrative or arbitral, and whether brought by or against or otherwise involving the Fund, by reason of the Fund Administrator having served in any capacity on behalf of the Settlement Fund, the Fund Administrator shall be indemnified and held harmless by the Claimants and their attorneys against reasonable expenses, costs and fees (including attorneys' fees), judgment, awards, costs, amounts paid in settlement, and liabilities of all kinds incurred by the Fund Administrator in connection with or resulting from such actual or threatened action, suit or proceeding; except to the extent that it is finally determined by this Court that the Fund Administrator was grossly negligent or acted with willful misconduct in connection with the administration of this Fund.

12. Claimants' Counsel shall be indemnified and held harmless by the Fund Administrator from any claims, which arise from the negligence or willful misconduct of the Fund Administrator as determined by this Court. Should Claimants' Counsel be named as a party to, or threatened to be made a party to, any threatened, pending or completed action, suit or proceeding of any kind, whether civil, administrative or arbitral, by reason of the Fund Administrator's negligence or willful misconduct, Claimants' Counsel shall be indemnified and held harmless by the Fund Administrator against reasonable expenses, costs and fees (including attorneys' fees), judgment, awards, costs, amounts paid in settlement, and liabilities of all kinds incurred by Claimants' Counsel in connection with or resulting from such actual or threatened action, suit or proceeding.

13. The Fund Administrator shall be authorized to distribute all attorney fees and litigation expenses to Claimants' Counsel, consistent with existing contingency fee contracts and to the extent required by law.

14. All taxes on the income of the Fund and expenses and costs incurred in connection with the taxation of the Fund (including, without limitation, the expenses of tax attorneys and accountants) shall be paid out of the Fund, shall be considered to be a cost of administration of the settlement, and shall be paid as instructed by the Fund Administrator.

15. Upon request, the Fund Administrator will prepare and deliver Fund Statements ("Statements") to Claimants' Counsel and/or this Court. The Statements shall include a statement of receipts, investment earnings, interest, and disbursements. The Fund Administrator shall provide the Statement no later than ten (10) business days following the request.

16. The Fund Administrator shall have the right to rely upon any affidavit, certificate, letter, notice, electronic mail or other document believed by the Fund Administrator to be genuine and sufficient, and upon any other evidence believed by the Fund Administrator, in its reasonable judgment, to be genuine and sufficient, which may be provided to the Fund Administrator by Claimants' Counsel.

17. Upon final distribution of all monies paid into the Fund, the Fund Administrator shall take appropriate steps to wind down the Fund and thereafter be discharged from any further responsibility with respect to the Fund.

18. The Fund Administrator will obtain a Federal Taxpayer Identification Number for the ML Hernia Mesh Qualified Settlement Fund.

WHEREFORE, Claimants respectfully request that the Court order the establishment of the ML Hernia Mesh Qualified Settlement Fund and appoint Orion Settlement Solutions, LLC as Fund Administrator pursuant to this Motion and Treas. Reg. Section 1.468B-1, and issue an Order in the form attached hereto. Claimants further respectfully request that this Motion and Proposed Order be filed under seal.

DATED this 26th day of June 2025.

Respectfully submitted,

ATTORNEYS FOR PLAINTIFF

By:

/s/ Rachel P. Richardson

Rachel P. Richardson

MCSWEENEY LANGEVIN

2116 Second Avenue South

Minneapolis, MN 55404

Phone: (612) 238-0567

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EXHIBIT A
LIST OF CLAIMANTS

Bobby	Drake	1:21-cv-00780
Kelly	Bailey	1:21-cv-03438
Michael	Reinitz	1:21-cv-00368
Linda	Miller	1:20-cv-00158
Jeffrey	Howland	1:19-cv-00626
Ralph	Mack	1:19-cv-00746
Loretta	Coats	2:19-cv-01240
Frank	Chester	2:19-cv-00639
Hubert	Waters	2:19-cv-00583
Donna	Stephens	2:19-cv-00575
Thomas	Larson	2:19-cv-00587
Mark	Reed	2:19-cv-00577
Chad	Ward	2:19-cv-02675
Peggy	Hensley	2:19-cv-03078
Kelly	Shover	2:19-cv-03622
Carlos	Sauceda	2:19-cv-03625
Jeanie	Garbini	2:19-cv-03623
Thomas	Serritelli	2:19-cv-03624
Anthony	Green	2:19-cv-05416
Tracey	Rieker	2:20-cv-00129
Donna	Coats	2:20-cv-00204
John	Holladay	2:20-cv-00206
Valerie	Smith	2:20-cv-00341
Daniel	Steward	2:20-cv-00499
Lois	Merritt	2:20-cv-01035
Sheila	Eleazer	2:20-cv-01038
Jenette	Birnbaum	2:20-cv-01043
Linda	Hale	2:20-cv-01561
Yolanda	Norris	2:20-cv-00241
Scott	Demonte	2:20-cv-00246
Linda	Rider	2:20-cv-01730
Cecilia	Jacko	2:20-cv-00247
Robert	Neely	2:20-cv-02052
David	Gilchrist	2:20-cv-02053
Richard	Gravatt	2:20-cv-01583

Shelly	Hammrich	2:20-cv-00952
Sherri	Brown	2:20-cv-01289
Barbara	Valentine	2:20-cv-01292
Marc	Johnson	2:20-cv-01287
Stacy	Switzer	2:20-cv-01807
Linda	Bolembach	2:20-cv-01513
Kevin	Anderson	2:20-cv-01514
Daniel	Stang	2:20-cv-04195
Marie	Gary	2:20-cv-05681
Wayne	Melerine	2:20-cv-06572
Gustavo	Romero	2:20-cv-06582
Lawrence	Russell	2:20-cv-05730
Eric	Alton	2:21-cv-00216
George	Bush	2:21-cv-02049
Johnny	Blair	2:21-cv-02053
Julie	Tatro	2:21-cv-00395
Jean	Palermo	2:21-cv-00394
Deborah	Palazzolo	2:21-cv-00455
Jeffery	Kinder	2:21-cv-00150
Jack	Reasoner	2:21-cv-02601
Jill	Hazelet	2:21-cv-00167
Juan	Lopez	2:21-cv-02610
Kathleen	Bardole	2:21-cv-01936
Kathryn	Bloch	2:21-cv-02630
Carl	Nelson	2:21-cv-02627
Lori	Fraize	2:21-cv-02626
Rosalia	Carlyon	2:21-cv-02755
Lois	Curtis	2:21-cv-00667
Carol	Gilliam	2:21-cv-02752
Antonio	Moore	2:21-cv-03065
Frank	Latorre	2:21-cv-02640
Naomi	Moore	2:21-cv-00507
Gary	Mannisto	2:21-cv-02618
Winfred	Aiken	2:21-cv-01819
David	Brooks	2:21-cv-02636
Matthew	Scarpato	2:21-cv-03060
Zachary	Edwards	2:21-cv-01519
William	Pray	2:21-cv-03066
Hazel	Clark	2:21-cv-03062

Barry	Hundley	2:21-cv-03064
Jerry	Edwards	2:21-cv-03282
James	Davis	2:21-cv-03169
Melissa	Roberts	2:21-cv-03061
Glenn	Bailey	2:21-cv-03069
Richard	Crowley	2:21-cv-03067
Patricia	Petro	2:21-cv-02003
Chad	Fitzgerald	2:21-cv-03389
Johnnie	Adair	2:21-cv-01835
Maria	Meekins	2:21-cv-03072
Bobby	Weaver	2:21-cv-03058
Richard	Antipuna	2:21-cv-01820
Douglas	Kucera	2:21-cv-03071
Steven	Thurston	2:21-cv-03390
Elizabeth	Garber	2:21-cv-03171
Alan	Alexander	2:21-cv-03284
Hayward	Dearhart	2:21-cv-03172
Donna	Russell	2:21-cv-03068
Nora	Marcum	2:21-cv-03070
Angela	Montoya	2:21-cv-03287
Stuart	Hawkins	2:21-cv-03396
John	Hill	2:21-cv-03285
Peter	Bethke	2:21-cv-02770
Robert	Phillips	2:21-CV-03291
Patricia	Wiggins	2:21-cv-03394
Michael	Bailey	2:21-cv-01973
Harold	Phillips	2:21-cv-03286
Barry	Sullivan	2:21-cv-03393
Michael	Polletta	2:21-cv-03173
Rosemary	Gifford	2:21-cv-03079
Annie	McGill	2:21-cv-03391
Melanie	Farrell	2:21-cv-03392
Roy	Stenka	2:21-cv-03178
Howard	Mosley	2:21-cv-03294
Robert	Pryor	2:21-cv-03295
Brian	Schrader	2:21-cv-03297
Corby	Rogers	2:21-cv-03089
Rhonda	Belanger	2:21-cv-02013
Christopher	Wassum	2:21-cv-03398

Susan	Reyes	2:21-cv-03083
Amy	Hensley	2:21-cv-03180
Thomas	Smith	2:21-cv-03397
Kimberly	Jones	2:21-cv-03179
Judy	Moore	2:21-cv-03170
Randal	Pudvan	2:21-cv-02017
William	Riley	2:21-cv-02649
Laura	Parrish	2:21-cv-03182
James	Dixon	2:21-cv-03085
Edward	Roma	2:21-cv-03404
Belinda	Chvala	2:21-cv-03399
Meredith	Prine	2:21-cv-03186
Johnny	Kelley	2:21-cv-03082
Darlene	Clark	2:21-cv-03076
Kay	Archer	2:21-cv-03407
Dennis	Waddell	2:21-cv-03405
Veronica	Wittman	2:21-cv-03086
Ronald	Burns	2:21-cv-03184
Charles	Burns	2:21-cv-02547
Diana	Eakin	2:21-cv-02995
Eugene	Williams	2:21-cv-03091
John	Amaru	2:21-cv-03414
Valorie	Dameron	2:21-cv-03190
Barbara	Johnson	2:21-cv-03406
David	Wright	2:21-cv-03415
Mark	Hanzel	2:21-cv-03410
Jessica	Jones	2:21-cv-03003
James	Bell	2:21-cv-02035
Julia	Gaskins	2:21-cv-03400
Vidal	Coleman	2:21-cv-03080
Marisela	Esquivel	2:21-cv-03176
Wilbur	Grimm	2:21-cv-03293
Linda	Maiava	2:21-cv-03077
James	Moreland	2:21-cv-03310
Blaise	Guadagno	2:21-cv-03096
Janice	Bigham	2:21-cv-02559
Jimmie	John	2:21-cv-03195
Ronisha	Hopson	2:21-cv-02554
Sara	Holtzman	2:21-cv-03417

Douglas	Stevens	2:21-cv-03307
Christopher	Keyes	2:21-cv-03412
Anne	Cherry	2:21-cv-03001
Elaine	Vianey	2:21-cv-03305
Inez	Lipsey	2:21-cv-03101
Anthony	Deblasio	2:21-cv-03094
Choyce	Guice-Robertson	2:21-cv-03102
Christopher	Cooper	2:21-cv-03421
Jean	Casola	2:21-cv-03007
Roy	Yancey	2:21-cv-03311
Robert	Barron	2:21-cv-02034
Christopher	Jones	2:21-cv-03315
Sheryl	Sanders	2:21-cv-03106
Robert	McMullen	2:21-cv-03413
Jason	Dudley	2:21-cv-03416
Willie	Gibson	2:21-cv-03000
Latasha	Barnes	2:21-cv-04551
Sharon	Wren	2:21-cv-03322
Thomas	Carson	2:21-cv-03423
Duane	Christisen	2:21-cv-03011
Charles	Walker	2:21-cv-03015
James	Ferguson	2:21-cv-02039
Casey	Cridebring	2:21-cv-03532
Donald	Sealy	2:21-cv-03189
Stephen	Sigourney	2:21-cv-03402
Zelda	Franklin	2:21-cv-03409
Stephanie	Griffin	2:21-cv-03403
Ralph	Dillard	2:21-cv-03411
Beverly	Henning	2:21-cv-03529
Kathryn	Keil	2:21-cv-03320
Joshua	Brandt	2:21-cv-03419
Robert	George	2:21-cv-01719
Pamela	Schiavoni	2:21-cv-03104
Shannon	David	2:21-cv-03018
Grace	Birdwell	2:21-cv-05037
Michael	Mitchell	2:21-cv-03209
Darlene	Fuit	2:21-cv-03207
Loretta	Fuller	2:21-cv-03533
JoAnne	Bates	2:21-cv-03014

Linda	Bailey	2:21-cv-03211
Dennis	Sanford	2:21-cv-03531
Miles	Kidder	2:21-cv-03325
James	Battisti	2:21-cv-03112
Kristi	Teears	2:21-cv-03328
Mark	Means	2:21-cv-03109
Gail	Mackey	2:21-cv-03537
James	Thomas	2:21-cv-03313
Angela	DiProspero	2:21-cv-03115
Christopher	Hopkins	2:21-cv-03205
Joy	Bison	2:21-cv-03017
Richard	Rivers	2:21-cv-03535
Henry	Whetzel	2:21-cv-03208
Charles	Morris	2:21-cv-03210
Christopher	Carmen	2:21-cv-03212
Judith	Wise	2:21-cv-03022
Christopher	Valenti	2:21-cv-03442
Dorothy	Miller	2:21-cv-03536
Deborah	Griffin	2:21-cv-03213
Robert	Murphy	2:21-cv-03534
Curtis	Jones	2:21-cv-03117
Steven	Souza	2:21-cv-03316
Gladys	Sayler	2:21-cv-03530
Gerry	Irick	2:21-cv-03418
Terry	McCown	2:21-cv-03192
Jamie	Webber	2:21-cv-03218
April	Blanding	2:21-cv-03012
Robert	Huff	2:21-cv-03025
Thomas	Winland	2:21-cv-03444
Trudy	Ware	2:21-cv-03446
Arthur	Lovett	2:21-cv-03332
Susan	Rippy	2:21-cv-05354
Dennis	Sitler	2:21-cv-03334
Donald	Alsdurf	2:21-cv-03441
Linda	Bradley	2:21-cv-03220
JoAnn	Gartska	2:21-cv-03214
Corliss	Slusher	2:21-cv-03206
Amanda	Oliver	2:21-cv-03027
Harold	Martinez	2:21-cv-03336

Loraine	Kilgore	2:21-cv-03331
Jesse	Rhodes	2:21-cv-03124
Karyn	Larson	2:21-cv-03024
Sean	Jones	2:21-cv-03437
Paula	Hurley	2:21-cv-03217
Wanda	Townsend	2:21-cv-03448
Anthony	Miniscalco	2:21-cv-03439
Don	Peterson	2:21-cv-03447
Howard	Currington	2:21-cv-03458
Tina	Durley	2:21-cv-03346
Dawn	Qualls	2:21-cv-03456
Michael	Reed	2:21-cv-03341
Michael	Stewart	2:21-cv-03455
Melodi	Coy	2:21-cv-03038
Gregory	Stotts	2:21-cv-03352
Thomas	Murphy	2:21-cv-03139
Mark	Martinez	2:21-cv-05499
Alan	Stanwood	2:21-cv-03460
Ross	Rosell	2:21-cv-03350
Christine	Doose	2:21-cv-03454
Drema	Vance	2:21-cv-04923
Christopher	Lamp	2:21-cv-03041
Michael	West	2:21-cv-03457
Billy	Emmons	2:21-cv-03354
Kenneth	Smith	2:21-cv-03356
Brandy	Moore	2:21-cv-03462
Dennis	Holm	2:21-cv-03050
Celedonio	Diaz	2:21-cv-03345
Paul	Emanuel	2:21-cv-03037
Leslie	Taylor	2:21-cv-03040
Michael	Powers	2:21-cv-03143
Garry	West	2:21-cv-03246
Jerry	Hamilton	2:21-cv-03358
Keith	Gades	2:21-cv-03052
Kimberly	Raveling	2:21-cv-05036
Aurora	Martinez	2:21-cv-05351
Ann	Johnson	2:21-cv-05355
Crowqetta	Garner	2:21-cv-03215
Arnold	Roberts	2:21-cv-03326

Jose	Alvarez	2:21-cv-03339
Lorna	Webb	2:21-cv-03030
Ashley	Wyant	2:21-cv-03219
Laura	Smith	2:21-cv-03340
Tammy	Croucher	2:21-cv-03342
Kenneth	Napier	2:21-cv-03449
Barbara	Kendall	2:21-cv-03343
Lisa	Flanagan	2:21-cv-03338
Ronnie	Lott	2:21-cv-03053
Ann	Shaver	2:21-cv-03244
William	Phillips	2:21-cv-03142
Michael	Shepherd	2:21-cv-03357
Garrie	Prince	2:21-cv-03141
James	Fontenot	2:21-cv-03359
Meghan	Pavolini	2:21-cv-03463
Boud	Boudreaux	2:21-cv-03144
Paul	Fenczik	2:21-cv-03149
Donald	Mike	2:21-cv-03251
Leila	Vargas	2:21-cv-03363
Michael	John	2:21-cv-03360
Tammra	Fuessel	2:21-cv-05647
Lorean	Moore	2:21-cv-03470
Ginger	Vera	2:21-cv-03056
Kristen	Kell	2:21-cv-03146
Eleanor	Hoffman	2:21-cv-03151
Margo	Monigle	2:21-cv-03256
Mark	Apra	2:21-cv-03258
Christopher	Taylor	2:21-cv-03266
Juanita	Perez	2:21-cv-03162
James	Hartley	2:21-cv-03844
Frances	Marks	2:21-cv-03166
Jane	Ronning	2:21-cv-05532
Barry	Brown	2:21-cv-03267
Tammy	Canales	2:21-cv-03269
Kerri	Young	2:21-cv-03140
Wyatt	Reeves	2:21-cv-03137
Helena	Weiss	2:21-cv-03138
Miles	Grantz	2:21-cv-03048
Kimberley	Cowart	2:21-cv-03270

Patricia	Garcia	2:21-cv-03273
John	Lanoy	2:21-cv-03275
Brandy	Vining	2:21-cv-03274
Billy	Grant	2:21-cv-03278
Charles	Bibeau	2:21-cv-03384
Judy	Gravgaard	2:21-cv-03361
Kim	Maldonado	2:21-cv-03366
Paul	Donaldson	2:21-cv-03367
Donald	Smith	2:21-cv-03472
Mary	Sampson	2:21-cv-03153
Gary	Patterson	2:21-cv-03365
Ricky	Fenn	2:21-cv-05267
Theodore	Duehn	2:21-cv-03157
Linda	Miller	2:21-cv-03579
Jackie	Sims	2:21-cv-03253
Julia	Gray	2:21-cv-03156
Lester	Phillips	2:21-cv-03152
Anthony	Pritchard	2:21-cv-03260
Roslyn	Schell	2:21-cv-03364
Dennis	Homrich	2:21-cv-03158
Julie	Russellburg	2:21-cv-03261
Douglas	Keenan	2:21-cv-03163
Gregory	Stump	2:21-cv-03263
William	Sorochman	2:21-cv-03161
Linda	Hughes	2:21-cv-03160
Mary	Howe	2:21-cv-05159
Albert	Davis	2:22-cv-00451
Gloria	Collins	2:21-cv-05339
Robert	Catlin	2:21-cv-05021
Donna	Alderman	2:21-cv-03148
Sean	Magee	2:21-cv-03247
Waymon	Wickline	2:21-cv-03150
Nancy	Stender	2:21-cv-05649
Kristina	Graham	2:21-cv-03147
Gary	Hetrick	2:21-cv-03277
Linda	Taylor	2:21-cv-05550
Micheal	Soles	2:21-cv-05553
Connie	Austin	2:21-cv-05555
Willie	Huggins-Harris	2:21-cv-05152

Steve	Beckman	2:21-cv-05345
Sharon	Sterling	2:21-cv-05813
Charles	Kondrat	2:21-cv-05344
Margaret	Thompson	2:22-cv-00856
Torger	Cornell	2:22-cv-01128
Yolanda	Aguirre	2:22-cv-00077
Darin	Domer	2:22-cv-00076
Dawn	Carstensen	2:21-cv-05619
Florence	Tarleton	2:21-cv-03154
Carri	Minton	2:21-cv-04255
Linda	Bell	2:22-cv-00050
Nancy	Maglioca	2:22-cv-01533
Jeanne	Greenwell	2:21-cv-02484
Rebecca	Bailey	2:22-cv-00067
Elizabeth	Hall	2:22-cv-01899
Andre	Sartin	2:22-cv-00741
Adam	Oren	2:22-cv-00273
Brenda	Green	2:22-cv-00117
Curtis	Hinds	2:22-cv-01179
Jeffrey	Riley	2:22-cv-00754
Wayne	Scharmer	2:22-cv-01182
Mark	Schmick	2:22-cv-00419
Kenneth	Wainwright	2:22-cv-00544
Dennis	Weber	2:22-cv-00305
Charlene	Murray	2:22-cv-01934
Maria	Sepulveda	2:22-cv-01408
George	Veazey-Hays	2:22-cv-00547
Valorie	Paxton	2:22-cv-00548
Trent	LeDoux	2:22-cv-02928
Susan	Alley	2:22-cv-02763
Damian	McMenamin	2:22-cv-00421
Angelia	Langlois	2:23-cv-00458
Mary	Brown	2:22-cv-04538
Samuel	Smith	2:22-cv-01963
Jon	Pendergrast	2:22-cv-01648
Fred	Williams	2:22-cv-02922
David	Le Blanc	2:22-cv-02923
Donald	Emigh	2:22-cv-04546
Carroll	Kouns	2:23-cv-01052

Dwight	Powell	2:23-cv-01054
Tamir	Mashhood	2:23-cv-00900
William	Stidham	2:23-cv-01354
Marcus	Manuel	2:22-cv-01421
Jonathan	Keatts	2:23-cv-00220
Margaret	Johnson	2:22-cv-04532
Don	Egnor	2:22-cv-03981
Constance	Crandall	2:22-cv-03980
Denise	Cummins	2:22-cv-02419
Kent	Petica	2:22-cv-02963
Larry	Taylor	2:22-cv-04173
Rosa	Godinez	2:22-cv-04487
Darrin	Hess	2:22-cv-04488
Dragutin	Milosevic	2:23-cv-00961
Carolyn	Beasley	2:23-cv-00523
Victoria	Frazzini	2:23-cv-00162
Leon	Butler	2:23-cv-01187
Rosalyn	Irving	2:23-cv-00125
Bruce	Cizon	2:22-cv-04302
Jeffrey	McClure	2:23-cv-00668
Gwendolyn	Byrd	2:23-cv-00667
Vinnie	McDonald	2:23-cv-00670
Dawan	Alhakeem	2:22-cv-03953
Alan	Rondeau	2:23-cv-01403
Donna	Mcknight-Smith	2:23-cv-00908
Gene	Boling	2:23-cv-00562
Kathleen	Hunter	2:22-cv-04358
Lawrence	Charlson	2:22-cv-04518
Roy	Cumberland	2:23-cv-02031
Nancy	Harrington	2:23-cv-01138
Gloria	Wellington	2:22-cv-03951
Thomas	Conover	2:23-cv-02344
Jana	Morphis	2:23-cv-02343
Allen	Johnson	2:23-cv-00445
David	Cook	2:22-cv-04515
Esther	Martinez	2:23-cv-02058
James	Westgate	2:23-cv-01294
Bruce	Robertson	2:23-cv-01619
Donna	Williamson	2:23-cv-01621

George	Depuy	2:23-cv-02347
Alan	Engstrom	2:23-cv-01630
Thomas	Freeman	2:23-cv-02079
Gayle	Vliek	2:23-cv-02086
Larry	Trevathan	2:23-cv-02087
Harriet	Ten	2:23-cv-02491
Marvin	Scheetz	2:23-cv-02489
Rashaud	Fields	2:23-cv-2431
Tawana	Harrington	2:23-cv-2434
Gary	Durga	2:23-cv-2433
Hilary	Walker	2:21-cv-03401
John	Helfrich	2:23-cv-2457
Joann	Lincicome	2:23-cv-2456
Raenetta	Daniels	2:24-cv-00946
Christopher	Foster	2:24-cv-00949
Douglas	Kent	2:24-cv-00832
Allen	Sampson	2:24-cv-00953
Taneisha	Burton	2:24-cv-00957
Winfred	Wilson	2:24-cv-00830
Barbara	Gunter	2:23-cv-03239
John	Neuburg	2:24-cv-00960
Marilyn	McNary-Vincent	2:23-cv-03242
Brandon	Hobson	2:23-cv-03241
Jody	Piercy	2:24-cv-00962
Karen	McReynolds	2:24-cv-00840
Christopher	Grimes	2:24-cv-00959
Darrell	Freeman	2:23-cv-03244
Carroll	Boatman	2:24-cv-00964
Russell	Terry	2:24-cv-00969
Lydell	Mack	2:24-cv-00968
Carrie	Hassan	2:21-cv-03280
Nicholas	Mescia	2:24-cv-00974
Deborah	Hemsworth	2:24-cv-00979
David	Partin	2:23-cv-03246
Sumeko	Rex	2:24-cv-00845
Adam	Hoffman	2:24-cv-00842
Richard	Madrigal	2:24-cv-00980
Robert	Patrick	2:24-cv-00976
Leslie	Harmon	1:19-cv-00747

Deborah	Rojo	2:24-cv-00981
Melvin	Henfling	2:24-cv-01591
Shawn	Regan	2:24-cv-00971
Gloria	Brown	2:24-cv-00975
Frank	Posch	2:24-cv-00539
Joseph	Silva	2:24-cv-00883
Matthew	Brochers	2:24-cv-00983
Larry	Millikan	2:24-cv-00886
David	Smith	2:24-cv-01001
Michael	Leigh	2:22-cv-00068
Henry	Williams	2:24-cv-00888
Scott	Washburn	2:24-cv-01005
Scott	Crain	2:24-cv-00890
Michael	Olson	2:24-cv-01006
William	Forte	2:21-cv-05835
Stephen	Selvaggio	2:24-cv-01009
Michael	Wilson	2:24-cv-00897
Kurt	Stayrook	2:24-cv-01010
Todd	LaVanway	2:24-cv-00900
Rebecca	Stark-Pitman	2:24-cv-00899
Richard	Williams	2:22-cv-00934
Michael	Bailey	2:24-cv-01015
Terry	Griscom	2:24-cv-00905
Mary	Andrews	2:24-cv-00903
Joseph	Love	2:24-cv-01013
Larry	Shaw	2:24-cv-00907
Linda	Irizarry	2:24-cv-00908
John	Purnell	2:24-cv-01017
Gerald	Laroda	2:24-cv-00912
Maria	Culley	2:24-cv-00677
Linda	Gearhart	2:24-cv-00911
Chelette	Stewart	2:24-cv-00910
Donald	McInish	2:24-cv-00898
Mark	Reed	2:24-cv-00680
Wendell	Salyer	2:24-cv-00916
Lateira	McDonald	2:24-cv-00679
LaRhonda	Bozeman	2:24-cv-00919
Jonathan	Edwards	2:24-cv-00682
Alfred	Cerwensky	2:24-cv-00686

Garnett	Tierney	2:24-cv-00689
Romeo	Mendoza	2:24-cv-00685
Kirk	Bartlett	2:24-cv-00697
Robert	Porter	2:24-cv-00922
John	Troilo	2:24-cv-00927
Carolyn	McCloud	2:24-cv-00931
Michael	Lane	2:24-cv-00924
Amanda	Stephens	2:24-cv-00929
Joseph	MacDonald	2:24-cv-00920
Daniel	Romanelli	2:24-cv-00936
Mark	Natelli	2:24-cv-00939
John	Simmons	2:24-cv-00932
Eugene	Ferrell	2:22-cv-04422
Annie	Holt	2:23-cv-00207
Carl	Galla	2:23-cv-00057
Linda	Brown	2:23-cv-01406
Ricky	Jones	2:23-cv-01136
Donna	Allen	2:21-cv-00322
Mary	Briggs	2:23-cv-01617
Guadalupe	Martinez	2:23-cv-00720
Lloyd	Tate	2:21-cv-03308
Kathleen	Manley	2:24-cv-00937
Glen	Link	2:24-cv-00828
Hugo	Quinones	2:24-cv-00940
John	Dromeshauser	2:23-cv-00229
Terry	Parker	2:24-cv-00938
Christian*	Nicholson	2:22-cv-01808
Dick	Fahlsing	2:23-cv-01060
Glenn	Hake	2:23-cv-00217
Barbara	Garcia Suarez	2:23-cv-02342
AnnaMarie	Witt	2:23-cv-01293
George	Belt	2:22-cv-04304
James	Brown	2:22-cv-03907
Monique	Zazzarino	2:23-cv-01168
Alena	Keefe	2:23-cv-01623
Gwendolyn	Gadsden	2:23-cv-2346
Yolanda	Trejo	2:23-cv-02088
David	Lawson	2:24-cv-01008
Akil	Alnaiyar	2:24-cv-00901

Tanya	Sanchez	2:24-cv-01011
Dennis	O'Mally	2:24-cv-01012

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: DAVOL, INC./C.R. BARD,
INC., POLYPROPYLENE HERNIA
MESH PRODUCTS LIABILITY
LITIGATION**

Case No.: 2:18-md-2846

**JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson**

**This document relates to:
ALL ACTIONS LISTED ON EXHIBIT A.**

**ORDER GRANTING UNOPPOSED MOTION TO ESTABLISH
A QUALIFIED SETTLEMENT FUND, TO APPOINT
FUND ADMINISTRATOR, AND TO ISSUE RELATED RELIEF**

Upon consideration of the Unopposed Motion To Establish a Qualified Settlement Fund And To Appoint Fund Administrator, ECF No. 3 (the “Motion”), submitted by McSweeney Langevin, Counsel for several hundred Plaintiffs (also referred to as “Claimants”) in this action, and for good cause shown, the Court hereby **ORDERS** as follows:

1. The ML Hernia Mesh Qualified Settlement Fund (the “Fund”) is hereby established as a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1, and shall remain subject to the continuing jurisdiction of this Court, as required by Treasury Regulation Section 1.468B-1(c)(1). Additionally, the Court finds that the QSF is a “qualified settlement fund” as defined in Section 1.468B-1(c) of the Treasury Regulations in that it satisfies each of the following requirements:

- a. The QSF is to be established pursuant to an Order of this Court and is subject to the continuing jurisdiction of this Court;
- b. The QSF is to be established to resolve or satisfy one or more claims that have resulted or may result from an event that has occurred and that has given rise to at least one claim asserting liabilities; and

- c. The assets of the QSF are to be segregated from other assets of Bard, the transferor of the payment to the settlement funds, and controlled by an escrow agreement.

2. Under the “relation back” rule provided under Section 1.468B-1(j)(2)(i) of the Treasury Regulations, the Court finds that Bard may elect to treat the QSF as coming into existence as a “qualified settlement fund” on the latter of the date the QSF meets the requirements of Paragraphs 1(b) and 1(c) of this Order or January 1 of the calendar year in which all of the requirements of Paragraph 1(b) and 1(c) of this Order are met. If such a relation-back election is made, the assets held by the QSF on such date shall be treated as having been transferred to the QSF on that date.

3. Orion Settlement Solutions, LLC is appointed as Fund Administrator pursuant to the terms, conditions, and restrictions of this Order, the Motion and the MSA (as defined in the Motion), and said Fund Administrator is granted the authority to conduct any and all activities necessary to administer this Fund as described in this Order, the Motion, and MSA. The Fund Administrator shall be the administrator of the Fund within the meaning of Treasury Regulation Section 1.468B-2(k)(3) and shall obtain a Federal Taxpayer Identification Number for the Fund upon the execution of this Order establishing the Fund.

4. The Court approves First Bankers Trust as the Bank.

5. No bond is required for the Fund, and the Fund, which includes all principal and interest earned thereon, shall be deposited in an account comprised of (a) United States Agency, Government Sponsored Enterprises (GSEs) or Treasury securities or obligations (or a mutual fund invested solely in such instruments), (b) cash equivalent securities, and/or (c) bank deposits and certificates of deposit, provided all said deposits and certificates of deposit are fully insured by the FDIC. The Fund shall be held at First Bankers Trust, which is a financial institution doing

business in the State of Illinois (hereinafter “Bank”), for the benefit of and titled in the legal name of the Fund according to the terms and conditions of the MSA, and said financial institution shall be responsible for any and all investment related decisions, pursuant to these terms and conditions. Notwithstanding the foregoing, the Bank shall not be allowed to distribute any income or principal from the Fund except upon the written instructions of the Fund Administrator and upon written approval, or if requested, upon an order of this Court in accordance with, or as may be otherwise provided in, the MSA.

6. The Fund is authorized to enter into agreements with persons requesting the use of settlements with periodic payments.

7. The Fund 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 in compliance with all the requirements of Section 130 of the Internal Revenue Code and Rev. Proc. 93-94, 1993-2 C.B. 470.

8. The Fund Administrator is authorized to distribute (on behalf of Claimants) all attorney’s fees and litigation expenses to counsel for Claimants, consistent with the existing contingency fee contracts, as allowed in the MSA.

9. The Fund Administrator is authorized, upon final distribution of all monies paid into the Fund to eligible Claimants under the terms of the MSA, 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.

10. The Court retains continuing jurisdiction and supervision over the QSF.

SIGNED THIS _____ DAY OF _____, 2025.

EDMUND A. SARGUS, JR.
United States District Judge