

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

IN RE: KUGEL MESH HERNIA
REPAIR PATCH LITIGATION

MDL Docket No. 07-1842-ML
Chief Judge Mary M. Lisi

THIS DOCUMENT RELATES TO:
ALL ACTIONS

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~~PROPOSED~~ ORDER AMENDING
PRACTICE AND PROCEDURE ORDER NUMBER 22

IT IS ORDERED that with respect to the establishment of a Common Benefit Fund, Plaintiffs' Liaison Counsel shall establish an interest-bearing account with Donald A. Migliori, Esq. to act as escrow agent to receive and disburse funds subject to the direction of the Court, keep detailed records of all deposits and withdrawals and to prepare tax returns and other tax filings. Additionally, Defendants shall provide notice of all claim or case settlements or judgments within a reasonable time following the execution of a settlement or the entry of a judgment, as set forth more fully below. Accordingly, paragraphs B and C of Section 1 of Practice and Procedure Order 22, are AMENDED as follows:

B. Plaintiffs' Liaison Counsel shall establish an interest-bearing account, if reasonable, with Donald A. Migliori, Esq. to act as escrow agent to receive and disburse funds subject to the direction of the Court, keep detailed records of all deposits and withdrawals and to prepare tax returns and other tax filings. No party or attorney has any individual right to any of these funds except to the extent of amounts directed to be disbursed to such person by order of this Court. These funds do not constitute the

separate property of any party or attorney and are not subject to garnishment or attachment for the debts of any party or attorney except when and as directed to be disbursed as provided by court order. This process shall be subject to review by the Court.

C. At the request of the Court or Plaintiffs' Liaison Counsel, Defendants shall provide notice and certification to the Court, *in camera*, or Plaintiffs' Liaison Counsel of all claim or case settlements or judgments, including the name of the Plaintiff or Claimant, the case name and number (if applicable), the name of the original court (if applicable), the date of the judgment or settlement, the total amount of the judgment or settlement, the amount withheld and mechanics for calculating the gross monetary recovery and the twelve percent (12%) amount thereof due the Common Benefit Fund. Plaintiffs' Liaison Counsel may also request that this Court conduct an audit in relation to such settlements or judgments. Plaintiffs' Liaison Counsel together with all partners, employees and agents, shall keep strictly confidential and shall not disclose this information to anyone, including plaintiffs and their counsel, without the express permission of the Court.

SO ORDERED:

/s/Mary M. Lisi

Mary M. Lisi
Chief United States District Judge
May 21, _____, 2012