

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: BERGEN COUNTY

FILED

OCT 02 2019

**RACHELLE L. HARZ
J.S.C.**

IN RE: MIRENA LITIGATION :

CASE NO. 297

:

:

CIVIL ACTION

:

:

Judge Rachelle L Harz

This Document Applies to All Actions :

CASE MANAGEMENT ORDER NO. 63

AND NOW, this 2nd day of October, 2019, the Court makes the following findings of fact:

1. A Master Settlement Agreement (“MSA”) was entered into between the parties, Plaintiffs and Defendants, Bayer Healthcare Pharmaceuticals Inc., Bayer Oy, and Bayer Pharma AG (hereinafter collectively referred to as the “Bayer Defendants”), on April 6, 2018.

2. The MSA provides that the Bayer Defendants and Plaintiffs’ representatives from the cases pending in the: (1) Southern District of New York, the home of the litigation’s Multi District Litigation (“MDL”); (2) New Jersey Superior Court MultiCounty Litigation (“MCL”); (3) Circuit Court City of St. Louis, State of Missouri, or removed therefrom and currently pending and/or stayed in federal district court in Missouri; and (4) California state court will

resolve cases in these jurisdictions, as well as other claims and cases, if certain conditions are met for a confidential sum.

3. Under the terms of the MSA, this Court has been designated to hear any action in law or equity to enforce the terms of this Agreement.

4. In this capacity, I, as the judge assigned to oversee the New Jersey MCL and this MSA, have reviewed the terms of the settlement; the common benefit costs incurred by individual firms in prosecution of this *In re: Mirena Products Liability Litigation* and the administration of this settlement; other costs associated with this litigation and administration of this settlement; and the settlement allocation process and in consideration of that review,

ORDER and DECREE that:


- The settlement reached between the parties is fair, reasonable and in the best interests of the Mirena litigants;
- The common benefit costs of \$2,969,325.06 that were incurred by the individual firms were necessary and appropriate to litigate this 6-year litigation and to administer the settlement over the last year and a half. Accordingly, I approve of the disbursement of the common benefit costs from the settlement's gross amount to those firms that have incurred such costs.
- I also reviewed the expenses necessary to reimburse ILS, the document repository vendor utilized by Plaintiffs in the prosecution of this litigation, and the retainer agreement submitted by Garretson Resolution Group who is serving as the settlement's Lien Resolution Administrator and Qualified Settlement Fund Administrator. Such costs were and are necessary to the

administration of this litigation and settlement, and accordingly, I approve of the payment to these entities for their respective costs from the settlement's gross sum.

- I also reviewed the settlement allocation process that has been utilized by the Plaintiffs during the administration of this settlement. Specifically, I reviewed the process to enroll in the settlement; the claims process including how claims were reviewed by a Claims Review Committee; how appeals to enrollment or claims decisions were addressed, and how allocations were ultimately allotted. I find that the settlement administration process was conducted appropriately, fairly and objectively. I also note that the Plaintiffs retained Retired New Jersey Judge Marina Corodemus to serve as the Settlement's Special Master.

Given my findings of fact, it is further **ORDERED** and **DECREED** that:

1. Upon funding of the Qualified Settlement Fund, Garretson Resolution Group is authorized to immediately reimburse those firms who are entitled to a common benefit expense reimbursement;
2. Upon funding of the Qualified Settlement Fund, Garretson Resolution Group is authorized to pay themselves for the work they have and will perform as the settlement's Lien and Qualified Settlement Fund Administrator and that ILS can be paid for the work they performed during the course of this litigation; and
3. Upon funding of the Qualified Settlement Fund, Garretson Resolution Group may begin making payments to counsel for Mirena claimants once all liens and necessary requirements are completed.


RACHELLE L. HAZZ, J.S.C.