

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ATLANTIC COUNTY
MASTER DOCKET NO. ATL-L-794-19

MCL CASE NO. 630

Civil Action

**CASE MANAGEMENT ORDER NO. 28
[ESTABLISHING THE FUND ACCOUNTS
AND APPOINTING AN ESCROW AGENT]**

IN RE PROCEED MESH LITIGATION
(Proceed® Surgical Mesh and Proceed®
Ventral Patch Hernia Mesh)

On October 17, 2019, the Court entered Case Management Order No. 9, which relates to the common benefit fund that would be established from assessments against cases tried and judgments satisfied or cases settled to pay common benefit fees earned and reimburse common benefit costs incurred by the Plaintiffs' Steering Committee ("PSC") in this litigation. One provision therein, III.A., requires a subsequent order appointing an escrow agent and bank to assist with procedures required by the other provisions of the order. *Id.* at § III.A.

The Court finds the prudent course of action is to carry out the requirements of CMO No. 9 so that when funds are available, the necessary prerequisites are in place.

IT IS on this 1ST day of February, 2023,

ORDERED that:

I. Establishing the Fee and Expense Funds

The Plaintiffs' Executive Committee ("PEC") is directed to establish two qualified settlement fund accounts at Deutsche Bank to receive and disburse funds as provided in Case Management Order No. 9 ("The MCL CB Fund Accounts"). The first fund shall be designated the "MCL No. 630 Fee Fund" and the second fund shall be designated the "MCL No. 630 Expense Fund." These funds will be held subject to the direction of this Court.

II. Appointing an Escrow Agent

This Court appoints Archer Systems, LLC (“Archer”) to serve as Escrow Agent over The MCL CB Fund Accounts and to keep detailed records of all deposits and withdrawals. Archer shall submit quarterly account statements to the Court and to the PEC.

Upon approval by the Court, Archer’s bills shall be paid from the MCL No. 630 Expense Fund and shall be considered a shared cost. The PSC shall provide a copy of this Order to Archer.



HONORABLE JOHN C. PORTO, J.S.C.