

U.S. ASR HIP SETTLEMENT

MDL 2197

Claims Administration Procedure (“CAP”)			
CAP Number	6	Effective Date	7/1/15
Subject	Resolution of Disputes Regarding the Interpretation of Lien Responsibilities Under Article 18.1.8 of the Settlement Agreement		

- 1. Purpose.** This Procedure describes the process to resolve disputes regarding the interpretation of lien responsibilities with regard to a specific lien or lien(s) as provided under Article 18.1.8 of the Settlement Agreement. Capitalized terms not defined in this CAP shall have the same meanings given to such terms in the Settlement Agreement.
- 2. Lien Resolution Obligations.** Article 18 of the Settlement Agreement describes DePuy’s obligations with regards to liens. Article 18.1.8 of the Settlement Agreement states, “Any dispute regarding interpretation of lien responsibilities with regard to a specific lien shall be resolved by a designated Special Master following review and processing of the lien by DePuy or DePuy’s designee.” Because lien resolution disputes are likely to present common issues of law and fact, the Parties designate Special Master John K. Trotter, who was selected at random from among the three Special Masters, to hear and resolve disputes under this CAP.
- 3. Presentment of Lien-Related Disputes.** If a QUSC disputes DePuy’s conclusion with regard to a specific lien, the QUSC may request review of the matter by the Special Master, who will resolve the dispute. To do so, the QUSC or his Counsel must submit a letter to the Claims Processor within 45 days of the date of the notification from DePuy to the QUSC. The letter requesting Special Master review may be submitted by email to claimsprocessor@usasrhipsettlement.com or hard copy at:

Claims Processor
U.S. ASR Hip Settlement
P.O. Box 26078
Richmond, VA 23260

The letter to the Claims Processor must identify the QUSC in question, specify the lien or liens that are the subject of the dispute, and request that the matter be referred to a Special Master for review.

- 4. Referral of the Dispute to the Special Master.** After receiving a request from a QUSC for review of a disputed lien by the Special Master, the Claims Processor will notify DePuy, the SOC, the Claims Administrator, and the Special Master, and shall provide to each copies of the letter or other submission made on behalf of the QUSC with respect to the specific lien. The Special Master will implement the following procedures in resolving the dispute:

- (a) Within 30 days of the QUSC's request for review by the Special Master, the QUSC may provide a written brief to the Special Master outlining their positions with regard to the lien in question. DePuy may submit a response brief within 30 days of the QUSC's submission. The QUSC may submit a reply brief within 10 days of DePuy's response. The Special Master may extend deadlines upon good cause demonstrated by either party. All briefs must be submitted to the Special Master in PDF form by email to TLunceford@JAMSADR.com. The front cover of the brief must identify the QUSC by name and ASR ID, list the liens that are the subject of the dispute, and include contact information for the QUSC or his attorney, if represented. Briefs must be limited to 25 pages, not including any exhibits either party may wish to attach. During the same 30-day period, the SOC may submit an amicus brief subject to the same requirements.
- (b) The Special Master, at his discretion, may request additional information from the QUSC, the SOC, DePuy, and/or other parties to aid in the resolution of the dispute.
- (c) After the briefing period is over, the Special Master will hear oral argument from the QUSC and DePuy by conference call. The QUSC and DePuy will each have 30 minutes to present oral argument. The QUSC will present first and may reserve a portion of the allotted time for rebuttal. The QUSC may also yield a portion of his time to the SOC, if desired.
- (d) After reviewing the evidence and considering the arguments presented, the Special Master will issue a determination of whether the disputed lien is an Assumed Lien held by a Qualified Lienholder. The Special Master's determination shall be final and binding.

5. *Duration of the CAP.* This CAP shall terminate only upon cancellation or modification by its signatories.

APPROVED:

Claims Administrator

James J. McMonagle, Esq.
Vorys, Sater, Seymour & Pease, LLP

By: /s/ James J. McMonagle

Date: 7/1/15

Claims Processor

Lynn C. Greer, Esq.
BrownGreer, PLC

By: /s/ Lynn C. Greer

Date: 7/1/15

DePuy Orthopaedics, Inc.

Susan M. Sharko, Esq.
Drinker Biddle & Reath LLP

By: /s/ Susan M. Sharko

Date: 7/1/15

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Date: 7/1/15

By: /s/ Ellen Relkin

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By: /s/ R. Eric Kennedy

Date: 7/1/15