

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

**In re: Atrium Medical Corp. C-Qur Mesh Products  
Liability Litigation (MDL No. 2753)**

**MDL Docket No. 16-md-2753-LM  
ALL CASES**

**AMENDED ORDER TO PLAINTIFFS' ASSENTED-TO MOTION FOR ENTRY OF A  
QUALIFIED PROTECTIVE ORDER**

On December 20, 2021, the court granted in an endorsed order the Plaintiffs' Assented-To Motion for Entry of a Qualified Protective Order (doc. no. 1306). Plaintiffs attached to their motion a proposed order (doc. no. 1306-2). The Court entered an Order on March 1, 2022 relating to its qualified protective order. (doc. no. 1321). Plaintiffs now move to amend that qualified protective order (doc. no. 1373). No objections have been filed, and the motion is granted. The court's March 1, 2022 Order (doc. no. 1321) is amended as follows.

1. Lead Counsel has retained LitPro LLC to identify and resolve potential healthcare liens of Atrium Master Settlement Agreement Participating Group 2 Claimants with Medicare; Medicare Secondary Payers; Medicare Advantage Organizations ("Medicare Part C private carriers"); Prescription Drug Sponsors ("Medicare Part D private carriers"); the Social Security Administration; Medicaid agencies; TRICARE; Veterans' Administration; Department of Defense; Indian Health Services; and private health insurers (collectively "the Agencies") claims related to settlements, judgments, awards, or other payments associated with the above captioned action for those settling plaintiffs who are or were beneficiaries of the Agencies.

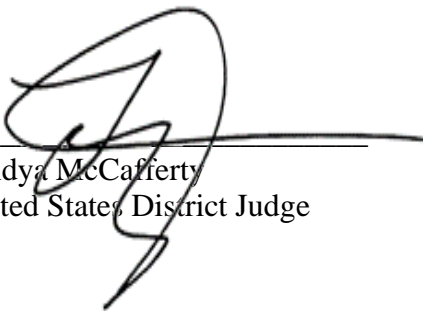
2. The entry of this HIPAA-compliant qualified protective order is necessary in this action to permit the Agencies to transmit lists of information, including protected health information and other related information regarding the settling individuals to LitPro LLC rather than providing copies of individual HIPAA authorizations and information on a claimant-by-claimant basis, including any third party authorized by LitPro LLC or the Court to assist in the resolution of the Agencies' potential liens and reimbursement claims.
3. As such, it is ordered:
  - a. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information," as defined by 45 C.F.R. § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 C.F.R. § 431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law, created, received or collected from plaintiffs and claimants by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify the settling plaintiffs; (b) eligibility and entitlement information for the settling individuals; (c) claims information relating to the past, present, or future healthcare of the settling plaintiffs; (d) claims information relating to the provision of healthcare to the settling plaintiffs; and (e) claims information relating to the past, present, or future payment for the provision of healthcare to the settling plaintiffs.

- b. Each Agency is hereby authorized and directed to transmit to LitPro LLC to assist in the resolution of potential liens or reimbursement claims, any information, including claims information and other protected health information, for those settling plaintiffs against whom they may assert liens or reimbursement claims.
- c. LitPro LLC shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation, including compliance with any applicable Court orders or other legal obligations. Similarly, the Agencies shall only use the information of settling plaintiffs for the specific purposes of transmitting to LitPro LLC any information, including claims information and other protected health information, for those settling plaintiffs in the above-captioned matter against whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlements the Agencies may have an interest. The Agencies shall only make the information for the settling plaintiffs available to those within their respective Agency who need access to the information for the settling plaintiffs for the specific purpose stated in this paragraph. If the Agency utilizes outside vendors or companies to perform part or all their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.
- d. LitPro LLC shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health

information as is exercised by LitPro LLC with respect to its own confidential proprietary information.

4. Epiq Mass Tort (“Epiq”) shall resolve any remaining healthcare liens for Atrium Master Settlement Agreement Participating Group 1 Claimants. Following this completion and any steps necessary to coordinate LitPro LLC into this process, Epiq will have no further obligations under the existing order.

SO ORDERED.



Landys McCafferty  
United States District Judge

April 24, 2024

cc: All Counsel of Record