

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

<b>IN RE: ATRIUM MEDICAL CORP. C-QUR MESH PRODUCTS LIABILITY LITIGATION</b>	<b>Master File No. 1:16-md-02753-LM MDL No. 2753</b>
<b>THIS DOCUMENT RELATES TO: ALL CASES</b>	<b>LANDYA B. MCCAFFERTY U.S. DISTRICT JUDGE</b>

**PLAINTIFFS' UNOPPOSED MOTION TO APPOINT  
ELLEN K. REISMAN AS SPECIAL MASTER**

Plaintiffs' leadership in MDL No. 2753 has reached a global settlement with Atrium Medical Corp. to resolve product liability claims related to the C-QUR Hernia Mesh Products that were pending as of November 30, 2021, in this Court. Plaintiffs' leadership hereby nominates Ellen K. Reisman, partner at Reisman Karron Greene LLP in Washington, D.C., to serve as special master to assist in the implementation of the global settlement reached between parties in this litigation. Ms. Reisman is an experienced and highly competent mediator and Special Master. A copy of Ms. Reisman's curriculum vitae is attached hereto as Exhibit A. Ms. Reisman has provided a declaration pursuant to Rule 53(b)(3)(A) of the Federal Rules of Civil Procedure, stating that there are no grounds for disqualification under 28 U.S.C. § 455. The declaration is attached hereto as Exhibit B. Plaintiffs have conferred with counsel for defendants, who have no opposition to the appointment of Ms. Reisman as special master to perform the duties the Court may require.

This 9<sup>th</sup> day of December 2021.

LEAD COUNSEL FOR PLAINTIFFS

By: /s/Jonathan D. Orent  
Jonathan D. Orent  
jorent@motleyrice.com  
Motley Rice, LLC  
55 Cedar Street, Suite 1000  
Providence, RI 02903

**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

**LEAD COUNSEL FOR PLAINTIFFS**

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**PLAINTIFFS' MEMORANDUM OF LAW IN SUPPORT OF UNOPPOSED MOTION  
TO APPOINT  
ELLEN K. REISMAN AS SPECIAL MASTER**

Plaintiffs' leadership in MDL No. 2753 has reached a global settlement with Atrium Medical Corp. to resolve product liability claims related to the C-QUR Hernia Mesh Products that were pending as of November 30, 2021, in this Court. The settlement provides that a court-appointed special master be appointed to perform the following duties:

1. Develop an allocation methodology with input from Plaintiff' Lead Counsel consistent with the Master Settlement Agreement.
2. Develop a claims process that will provide sufficient information for the Special Master to evaluate the claim efficiently and to attach a value for the claim consistent with the Master Settlement Agreement.
3. Ensure that the allocation program includes a process for reconsideration and amendment of awards by the Special Master consistent with the Master Settlement Agreement.
4. The Special Master shall determine the amount allocated to each participating plaintiff from available funds.
5. Approval of the Distribution of Funds to participating plaintiffs, together with payment of any costs associated with the settlement responsibility of the Special Master.

Plaintiffs' leadership hereby nominates Ellen K. Reisman, partner at Reisman Karron Greene LLP in Washington, D.C., to serve as special master to assist in the implementation of the global settlement reached between parties in this litigation. Ms. Reisman is an experienced and highly competent mediator and Special Master. As Judge Goodwin observed in appointing her as special master to foster settlement between C.R. Bard and plaintiffs' counsel in the pelvic mesh product liability litigation (MDL 2187), Ms. Reisman is known to this Court, the legal community, the plaintiffs' bar, and corporate America as an active, successful, and highly regarded lawyer who has been able to achieve resolution for some of the largest and most complex mass torts over the past three decades. Feb. 12, 2015 Order at 3 (S.D. W. a. MDL 2187), available at <https://www.wvsc.uscourts.gov/MDL/2187/pdfs/PTO 1 .pdf>. A copy of Ms. Reisman's curriculum vitae is attached hereto as Exhibit A. Ms. Reisman has provided a declaration pursuant to Rule 53(b)(3)(A) of the Federal Rules of Civil Procedure, stating that there are no grounds for disqualification under 28 U.S.C. § 455. The declaration is attached hereto as Exhibit B.

Plaintiffs have conferred with counsel for defendants, who have no opposition to the appointment of Ms. Reisman as special master to perform the duties set forth above.

This 9<sup>th</sup> day of December 2021.

LEAD COUNSEL FOR PLAINTIFFS

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jorent@motleyrice.com  
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**LEAD COUNSEL FOR PLAINTIFFS**

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jorent@motleyrice.com  
Motley Rice, LLC  
55 Cedar Street, Suite 1000  
Providence, RI 02903

# EXHIBIT A

## Ellen Reisman

[Ellen.Reisman@rkgattorneys.com](mailto:Ellen.Reisman@rkgattorneys.com)

202-695-7712

Ms. Reisman is nationally recognized for her skill in achieving innovative resolutions of complex mass tort litigation through class action, inventory, and individual settlements. She joined in founding RKG after nearly 30 years at an AmLaw 100 international law firm and two years as a senior lawyer at a major pharmaceutical company. Her extensive experience in successfully developing and implementing comprehensive, integrated settlement strategies includes:

- Representing pharmaceutical and medical device manufacturers and other companies in negotiating settlements of thousands of product liability and personal injury claims in some of the largest mass tort litigations in history;
- Serving as a court-appointed Special Master in federal multi-district litigation and related state court litigation to resolve nationwide product liability and economic loss mass tort claims;
- Serving as a mediator in individual lawsuits;
- Counseling pharmaceutical and medical device companies and investors on potential product liability risks and mitigation strategies.

## Notable Matters

### Special Master and Mediator in Mass Torts

- Facilitated settlement negotiations of class action and individual claims in two federal courts and several state courts by thousands of corn farmers and other plaintiffs alleging economic loss arising from Syngenta's sales of corn seed containing genetically modified traits approved in the United States, but not in China. Ms. Reisman was appointed by U.S. District Judge John W. Lungstrum (D. Kan.), U.S. District Judge David R. Herndon (S.D. Ill.), Judge Thomas M. Sipkins (District Court for Hennepin County, Fourth Judicial District, State of Minnesota), and Judge Brad K. Bleyer (Illinois First Judicial Circuit Court). Her efforts resulted in a nationwide \$1.51 billion class action settlement of claims asserted by farmers, grain handling facilities, and ethanol producers, which resolved the claims pending in the Kansas and Illinois federal courts and in the Minnesota, Indiana, Iowa, and Ohio courts. Ms. Reisman was appointed by the MDL Court to allocate common benefit attorneys' fees and expenses in connection with the class action settlement. Her Report and Recommendations as to both fees and expenses were substantially adopted by the federal court supervising the settlement. She is continuing to serve as Special Master in connection with all aspects of the implementation of the settlement, including appeals of claim determinations in that settlement.
- Special Master for Settlement in multi-district product liability and personal injury litigation against C.R. Bard by plaintiffs alleging personal injury from Bard pelvic mesh implants, appointed by Judge Joseph R. Goodwin (S.D. W. Va.).



- Common Benefit Special Master, in *In re Abilify (Aripiprazole) Products Liability Litigation*, No 3:16-md-2734 (ND. Fla.), appointed by Chief Judge M. Casey Rogers.
- Special Master for Settlement, in *In re 3M Combat Arms Earplug Products Liability Litigation*, No 3:19-md-2885 (ND. Fla.), appointed by Chief Judge M. Casey Rogers.
- Special Master, in *In re: Proton-Pump Inhibitor Products Liability Litigation*, No. 2:17-md-2789, appointed by Judge Claire C. Cecchi.

## National Mass Tort Settlement Counsel

- National Settlement Counsel for Endo Pharmaceuticals, Inc. and American Medical Systems, Inc. and successors in connection with litigation involving AMS Pelvic Repair System Products, resulting in the settlement of over 70,000 claims.
- Represented BP in negotiating the Deepwater Horizon Medical Benefits Class Action Settlement.
- Represented Scientific Protein Laboratories and American Capital Ltd. in product liability litigation and regulatory matters involving contaminated heparin from China.
- Represented Wyeth (formerly American Home Products Corporation) In the diet drug (“fen phen”) litigation as national counsel coordinating defense of tens of thousands of lawsuits, lead negotiator of the National Diet Drug Class Action Settlement (*Brown v. American Home Products*, No. 99-20593, E.D. Pa.), and architect and lead negotiator in the Diet Drug “Global Settlement Process,” resolving over 60,000 opt-out cases.
- Represented Pfizer Inc. and Shiley Incorporated in product liability and other matters involving the Bjork-Shiley Heart Valve, including a class action settlement, a settlement with the U.S. Department of Justice, and international regulatory issues.

## Presentations and Articles

- “Panel: Ethical Considerations in settling Mass Torts,” ABA Annual Spring CLE Meeting, Toxic Torts and Environmental Law Committee April 2017
- “Panel: The Defense Perspective,” Texas Trial Lawyers Association Pharmaceutical and Medical Device Seminar, February 2017
- “Panel: Closure Mechanisms,” Emory Law School Institute for Complex Litigation and Mass Claims, December 2016
- “Moderator, Panel: Coordinator: Related Class Actions, Mass Actions and Parallel State Litigation,” Emory Law School Institute for Complex Litigation and Mass Claims, December 2016
- “Panel: Application of Alternative Mass Tort Resolution Strategies to Asbestos Litigation,” Perrin Asbestos Litigation Conference: A National Overview and Outlook, September 28, 2015
- “CPSA – Buyer Beware, Medical Devices” HB Litigation Conferences, Judicial Teleconference Series with Hon. Marina Corodemus, October 2011
- Ellen K. Reisman and Ethan P. Greene, “Ethical Issues in Class Action Settlements”, DRI Class Action Seminar, July 2011

- Ellen K. Reisman and Ethan P. Greene, “Ethical Limitations on Attempting to Prevent or Restrict an Attorney from Bringing Future Claims as part of a Settlement Agreement”, DRI Drug and Medical Device Conference, April 2008
- “Panel: Beyond Preemption: Navigating Your Way Through The Crucial FDA Regulatory Maze When Structuring A Products Liability Defense” ACI: 12<sup>th</sup>Annual Drug and Medical Device Litigation, December 2007
- “Panel: Product Recall Readiness” 4<sup>th</sup>Annual Drug and Medical Device Litigation Conference, November 2007
- “Panel: Compliance, Fraud & Abuse Mock Courtroom” 7<sup>th</sup>Emerging Growth Conference, AdvaMed Medical Technology Association, May 2007
- “Panel: Developing Your Settlement Position with Respect to Mass Tort Products Claims” ABA: Resolving Mass Tort Products Claims, March 2007
- “Panel: Settling the Big Case” ABA: Environmental, Mass Torts and Products Liability Litigation, January 2007
- “Panel: Making the Decision to Settle and Devising Novel End-Game Strategies” ACI: 11<sup>th</sup>Annual Drug and Medical Device Litigation Conference, December 2006
- “Panel: Settlement Strategies for Big Time Litigation – When to Hold ‘Em and When to Fold ‘Em” ABA: Toxic Torts & Environmental Law Meeting – Science & The Law, April 2006
- “Panel: Balancing Expectations and Ethics in Class Settlements” ABA: 9<sup>th</sup>Annual Institute on Class Actions, October 2005

## Education and Prior Experience

B.A. 1981, Boston College, *summa cum laude*

J.D. 1984, University of Chicago Law School, *cum laude*

Partner, Arnold & Porter LLP, 1992-1999, 2001-2015 (Washington, D.C. and Los Angeles, CA)

Associate, Arnold & Porter LLP, 1984-1991 (Washington, D.C.)

Associate General Counsel of American Home Products Corporation and Vice President, Wyeth Pharmaceuticals, 1999-2001

## Bar Admissions

Ms. Reisman is admitted to the bars of the District of Columbia and California.

# EXHIBIT B

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**DECLARATION OF ELLEN K. REISMAN, ESQUIRE**

ELLEN K. REISMAN deposes and states, pursuant to 28 U.S.C. § 1746:

I am an attorney at law, duly licensed in the State of California and the District of Columbia. I am in good standing in both jurisdictions.

I have thoroughly familiarized myself with the issues and parties involved in the currently pending cases arising from Atrium Medical Corporation's C-QUR family of mesh products. As a result of my knowledge of the proceedings, I attest and affirm that I know of no grounds for disqualification under 28 U.S.C. § 455 that would prevent me from serving as the special master in the matter.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this eight day of December, 2021.



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ELLEN K. REISMAN, ESQ