

**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**

**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](#)). Although the court approved the attached proposed order, the court did not issue a signed version of the proposed order; the court simply indicated its approval of the same in its December 20 endorsed order. On today's date, Plaintiffs ask the court to issue a signed version of their proposed order for reasons having to do with a request from Plaintiffs' lien resolution administrator. To assist Plaintiffs in their efforts, the court is hereby issuing a signed version of the qualified protective order ([doc. no. 1306-2](#)) it has already approved. That qualified protective order follows.

Plaintiffs in MDL No. 2753 have asserted claims against defendant in the above captioned action. These individuals have retained Counsel to represent them in relation to the above-captioned action. This Court has appointed Lead Counsel to represent the interests of all Plaintiffs in the Litigation and Lead Counsel agrees that they represent these plaintiffs as part of a global resolution of the cases in the MDL.

IT IS HEREBY ORDERED AS FOLLOWS:

1. Lead Counsel has retained Epiq Mass Tort (“Epiq”) to identify and resolve potential healthcare liens 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, Veteran’s Administration, Department of Defense, Indian Health Services, any other local, state, or federal agency, and private health insurers, (hereinafter, collectively “the Agencies”) 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 in order to permit the Agencies to transmit lists of information, including protected health information and other related information regarding the settling individuals to Epiq, rather than providing copies of individual HIPAA authorizations and information on a claimant-by-claimant basis, including any third party authorized by Epiq or the Court to assist in the resolution of the Agencies’ potential liens and reimbursement claims.
3. As such, it is hereby ordered:
  - a. This Qualified Protective Order shall apply to all “protected health information” and “individually identifiable health information,” as defined by 45 CFR § 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 CFR § 431](#) Subpart F, titled “Safeguarding Information

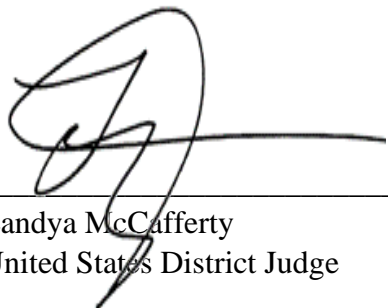
on Applicants and Recipients” and other applicable state law, created, received or collected from plaintiffs and claimants by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, 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 health care 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 Epiq 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. Epiq 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 Epiq 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 of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.

- d. Epiq 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 Epiq with respect to its own confidential proprietary information.

SO ORDERED.



Landya McCafferty  
United States District Judge

March 1, 2022

cc: Counsel of Record