

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
Southern Division**

In re: SILICONE GEL BREAST) Master File CV 92-P-10000-S
IMPLANT PRODUCTS LIABILITY)
LITIGATION (MDL-926))

ORDER No. 45

Approving Notice of Foreign Settlement Program and
Providing Parallel Settlement Option for Domestic "Other Registrants"

1. The Court has reviewed and approved for distribution, effective June 15, 1998, a Notice describing the details of the Foreign Settlement Program (FSP) offered by Bristol, Baxter, and 3M to eligible foreign breast implant recipients. The period for accepting this offer and making claims will expire on June 15, 1999.

(a) The Court finds that all the amounts payable by the Settling Defendants under the FSP, like amounts payable to domestic claimants under the RSP, will represent—if viewed from each such defendant's standpoint—a reasonable payment for complete settlement of compensatory bodily injury claims for disease from breast implants.

(b) Although authorizing the Settling Defendants to submit this offer of settlement, the Court expresses no view as to whether—if viewed from the standpoint of any implant recipient—the settlement offer would be a reasonable payment for settlement of her claims and makes no recommendation as to whether individual foreign breast-implant recipients should or should not accept the defendants' offer.

2. Inasmuch as the FSP offers to foreign "Other Registrants" a payment of \$3,500 (in full settlement of all breast implant claims against the Settling Defendants and Released Parties), Bristol, Baxter, and 3M have (at the Court's request) agreed to submit a similar offer, as an elective option, to domestic "Other Registrants" who, by June 15, 1999, have received the initial \$1,000 advance payment but no other payments under the RSP. This offer, of an additional \$2,500 one-time payment, will expire on June 15, 1999, and, if accepted, will release the Settling Defendants and Released Parties from all breast implant claims, including any obligations under the RSP for potential payments under the Long Term Benefit Schedule and for potential explantation benefits. The Claims Office will send to those eligible a letter explaining this offer.

(a) The Court finds that the amounts payable by the Settling Defendants under this option will represent—if viewed from each such defendant's standpoint—a reasonable payment for complete settlement of compensatory bodily injury claims for disease from breast implants.

(b) Although encouraging and authorizing the Settling Defendants to submit this offer of settlement in order to provide eligible domestic registrants with an opportunity to obtain, if they so elect, the settlement amount being offered to similarly situated foreign registrants, the Court expresses no view as to whether—if viewed from the standpoint of any domestic "Other Registrant"—the settlement offer would be a reasonable payment for settlement of her claims and makes no recommendation as to whether individual domestic "Other Registrants" should or should not accept the defendants' offer. Moreover, the communication by the Claims Office explaining this offer will contain cautionary language warning that, before accepting the offer, the claimant should carefully consider that, by doing so, she will be releasing her right to claim (until December 15,

2010) potential benefits ranging from \$36,500 to \$249,000 under the Long Term Benefit Schedule and (for a claimant who currently has a Bristol, Baxter, or 3M implant) will also be releasing a right to obtain a payment of \$3,000 for explantation of such implant before December 15, 2010.

This the 26th day of June, 1998.

/s/ Sam C. Pointer, Jr.
U. S. District

Judge