

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

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|-------------------------------|---|---------------------------------|
| In re: |) | |
| |) | |
| SILICONE GEL BREAST IMPLANTS |) | Master File No. CV 92-P-10000-S |
| PRODUCTS LIABILITY LITIGATION |) | |
| (MDL-926) |) | |
| SANDY ALTRICHTER,, et al., |) | |
| Plaintiffs; |) | |
| |) | |
| -vs.- |) | Case No. CV 97-P-11441-S |
| |) | |
| INAMED CORP., et al., |) | |
| Defendants; |) | |

ORDER No. 47

MANDATORY CLASS ACTION SETTLEMENT

By an order dated June 2, 1998, the court provisionally certified a mandatory settlement class and preliminarily approved a proposed class settlement of breast implant claims against INAMED Corporation and related parties ("INAMED"). The proposed settlement is conditional on INAMED's satisfaction of certain requirements set forth in a separate agreement between INAMED and Minnesota Mining and Manufacturing Company ("3M"), referred to in the class Settlement Agreement as the "3M Condition".

On September 1, 1998, the court approved the parties' agreement to extend the deadline for satisfaction of the 3M Condition to October 2, 1998, provided that such extension would not affect any other deadlines set forth in the Settlement Agreement, including INAMED's October 2, 1998, deadline to deposit in escrow the \$31.5 million consideration for the settlement. The court ordered the parties to make, on or before October 2, 1998, a further report to the court on whether the 3M Condition had been satisfied.

On September 28, 1998, the court received INAMED Corporation's status report indicating that, while the 3M condition would not be satisfied by October 2, 1998, the company had made substantial progress towards satisfying the condition and reasonably projected the task to be completed by year-end. In light of this report, and after discussing the matter with all parties at a telephonic status conference convened the afternoon of September 28th, the court determined that it was appropriate to go forward with dissemination of notice to the class and to schedule a fairness hearing on the proposed settlement in January 1999. The court was advised that in order to accommodate this schedule, all parties, including 3M, had consented to a further extension of the INAMED's deadline to satisfy the 3M condition for an additional 90 days, to December 31, 1998. The court approved the extension by 90 days, to December 31, 1998, of INAMED's deadline to satisfy the 3M Condition, and directed that on or before October 2, 1998, INAMED deposit with the Fund Agent the \$31.5 million consideration for the settlement as provided in the Settlement Agreement and this court's previous orders. That deposit was made on October 2, 1998.

Accordingly, the court now orders as follows:

1. The court formally approves the extension by 90 days, to December 31, 1998, of INAMED's deadline to satisfy the 3M Condition. On or before that date, the parties shall make a further report to the court on whether the 3M condition has been satisfied.
2. A fairness hearing on the proposed mandatory class settlement shall be held on January 11, 1999, commencing at 9:00 a.m. in Courtroom 8, United States Courthouse, 1729 Fifth Avenue North, Birmingham, Alabama.
3. Class members wishing to be heard on whether the class should be finally certified or the settlement finally approved shall submit written comments or objections, postmarked no later than December 11, 1998, to the address specified in the class notice. Class members intending additionally to appear at the fairness hearing, either in person or through an attorney, shall include a notice of intent to appear with their written comments or objections postmarked no later than December 11, 1998.
4. The parties' responses to any objections received to the class certification or settlement shall be filed and served no

later than December 31, 1998.

5. The court approves the form of notice ("long form notice") attached hereto as Exhibit A. The Claims Office shall cause the long form notice to be mailed no later than October 14, 1998 to all registrants in the MDL 926 claims office registration database, other than registrants whose Claims Office records show affirmatively that they received only Mentor and/or Bioplasty implants or show affirmatively that the person has explicitly renounced and requested not to receive any further communications regarding possible breast-implant claims. Where Claims Office records show a claimant to be represented by an attorney, the long form notice shall be mailed to such attorney rather than to the claimant directly, with a cover page indicating that no separate mailing has been made to the claimant.

6. The court approves the supplemental form of notice ("short form notice") attached hereto as Exhibit B. The parties shall cause the short form notice to be published and sent to newsstands and subscribers no later than November 1, 1998, as follows:

- a. once in *People* magazine (1/2 page); and
- b. once in *USA Today* newspaper (1/6 page).

7. The court will by October 12, 1998, post the long form notice for viewing, printing, and downloading through the internet at www.fjc.gov/BREIMLIT/ORDERS/notice47.htm. The parties shall promptly mail a copy of the long form notice to anyone requesting it in response to the short form notice or otherwise.

This the 7th day of October, 1998.

/s/ Sam C. Pointer, Jr.
Chief Judge Sam C. Pointer, Jr.

Exhibit A

Long-form Notice

The notice is separately available for viewing, printing, and downloading at:
www.fjc.gov/BREIMLIT/ORDERS/notice47.htm

IMPORTANT NOTICE REGARDING BREAST IMPLANTS

**In re Silicone Gel Breast Implant Products Liability Litigation (MDL 926), CV 92-P-10000-S
Altrichter et al. v. INAMED Corp. et al, CV 97-P-11441-S**

The United States District Court for the Northern District of Alabama has preliminarily approved a \$31,500,000 mandatory class action settlement of all breast implant-related claims against McGhan Medical Corporation, CUI Corporation (a/k/a Cox-Uphoff), INAMED Corporation and related parties (collectively, the "INAMED parties"). If before June 1, 1993, you had a breast implant made or sold by one of the INAMED parties, or by Minnesota Mining and Manufacturing ("3M") Company, or if you are the spouse, parent, child, relative, "significant other", representative, estate, assignee or subrogee of a person who has had such an implant, **the settlement will affect your legal rights and will release any claims you may have** against any of the INAMED parties even if you have not yet made any claim against them. The court has scheduled a hearing on whether to finally approve the settlement for January 11, 1999, at 9:00 a.m. at the Federal Courthouse in Birmingham, Alabama. Any affected persons who wish to be heard must submit written comments or objections postmarked no later than December 11, 1998. To receive a detailed description of the proposed settlement, how it affects your rights, and how to submit comments or objections, please download the "INAMED Class Settlement Notice" from [www.fjc.gov /BREIMLIT/ORDERS/notice47.htm](http://www.fjc.gov/BREIMLIT/ORDERS/notice47.htm), or send a postcard, letter, or FAX with your name and mailing address to Plaintiffs' Liaison Counsel, 2008 2nd Avenue North, The Singer Building, Birmingham, Alabama 35203, 205-252-0423 (FAX). Please do not contact the court or the Claims Office. If the Claims Office has previously notified you or your attorney that you are registered, the notice materials will be automatically mailed to you or your attorney, and you are requested not to make a new request for this information.

Perry D. Mathis, Clerk
United States District Court for the Northern District of Alabama