

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC, et al.,

Debtors.¹

Chapter 11

Case No. 20-12522 (JTD)

(Jointly Administered)

Objection Deadline: July 5, 2023 at 4:00 p.m.

Hearing Date: July 27, 2023 at 10:00 a.m.

**MOTION FOR (1) APPROVAL OF A REVISED UNIFORM HEIRSHIP
DECLARATION AND (2) APPROVAL OF THE HEIRSHIP
DECLARATION AS HAVING THE FORCE OF LAW**

COMES NOW Edgar C. Gentle, III, the Trustee and the Claims Administrator (hereinafter referred to as the ‘Trustee’ and/or the ‘Claims Administrator’ for the Mallinckrodt Opioid Personal Injury Trust (the ‘PI Trust’), by and through undersigned counsel, and hereby submits his *Motion For (1) Approval of a Revised Uniform Heirship Declaration and (2) Approval of the Heirship Declaration as Having the Force of Law* (the ‘**Motion**’). In further support of the Motion, the Trustee respectfully submits his *Declaration of Edgar C. Gentle in Support of the Motion For (1) Approval of a Revised Uniform Heirship Declaration and (2) Approval of the Heirship Declaration as Having the Force of Law* (the ‘**Gentle Decl.**’), attached hereto as Exhibit A, and respectfully states as follows:

PRELIMINARY STATEMENT²

1. The PI Trust Agreement, Non-NAS PI TDP and the NAS TDP, approved by the Confirmation Order, provide that related survivors may pursue claims on behalf of deceased

¹ A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <http://restructuring.ra.kroll.com/Mallinckrodt>. The Reorganized Debtors’ mailing address is 675 McDonnell Blvd., St. Louis, Missouri 63042.

² Capitalized terms used but not defined in this section shall have the meaning given to such term *infra*.

individuals who were harmed by their use of Mallinckrodt distributed/sold opioids. Moreover, given the severity of the opioid epidemic (the Centers for Disease Control and Prevention estimated that an average of 44 people died every day in 2020³), it is expected that many individuals will pass away during the claims review process and need to amend their claims into decedent cases. Pursuant to this Motion, the Trustee requests that the Court enter an Order approving the Revised Uniform Heirship Declaration, found in Exhibit C, to be used by Non-NAS PI or NAS Claimants that attests to their validity to bring forth the PI or NAS Claim at hand and to give the Heirship Declaration the force of law to (1) distribute the funds of this case to PI or NAS Claimants without the need for opening a probate estate; and (2) protect the PI Trust from actions stemming from the distribution.

2. Given the severity and extent of the injuries suffered by deceased PI or NAS Claimants compared with the relatively limited amount of the expected distribution and the extensive costs of opening a probate estate or having to defend lawsuits brought by other heirs, the Trustee respectfully contends the procedures proposed herein are necessary and appropriate. The Trustee anticipates that decedent PI cases may only result in less than \$2,000 and NAS cases may only result in less than \$500, prior to attorney's fees and expenses, to compensate for the loss of a loved one. Opening a Probate Estate is either not feasible or would prevent a substantial amount of the funds of these cases from actually going to opioid victims' families. Moreover, the PI Trust must be protected from lawsuits being filed by additional heirs to the decedent to prevent even more money from the already limited settlement funds from being spent on defending the PI Trust in various probate proceedings across the Country.

³<https://www.cdc.gov/drugoverdose/deaths/prescription/maps.html#:~:text=In%202020%2C%20an%20average%20of,totaling%20more%20than%2016%2C000%20deaths.&text=Prescription%20opioids%20were%20involved%20in,deaths%20from%202019%20to%202020.>

3. The proposed procedures contain safeguards based on the Trustee’s experience in administrating trusts and Claimant distributions of this size and is supported by Non-NAS Counsel, NAS Counsel, and the Future Claimants Representative. Without the approval of the Revised Uniform Heirship Declaration and for it to have the force of law, much of the severely limited settlement funds of this case will be needlessly wasted on procedural hurdles and result in extensive delays in distributing the much-needed funds meant to go to Non-NAS PI or NAS Claimants, who lost precious family members to or have been injured by the opioid crisis.

BACKGROUND

A. The Debtor’s Chapter 11 Cases and Plan Confirmation

4. On October 12, 2020 (the “Petition Date”), the above-captioned debtors and debtors-in-possession (the “Debtors”) commenced these chapter 11 cases (collectively, the “Chapter 11 Cases”) by filing voluntary petitions in the United States Bankruptcy Court for the District of Delaware (the “Court”) for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

5. On February 18, 2022, the Debtors filed the *Fourth Amended Joint Plan of Reorganization (With Technical Modifications) of Mallinckrodt Plc and its Debtor Affiliates under Chapter 11 of the Bankruptcy Code* [Docket No. 6510] (the “**Plan**”).⁴ On March 2, 2022, the Court entered the *Findings of Fact, Conclusions of Law, and Order Confirming the Fourth Amended Joint Plan of Reorganization (With Technical Modifications) of Mallinckrodt Plc and its Debtor Affiliates under Chapter 11 of the Bankruptcy Code* [Docket No. 6660] (the “**Confirmation Order**”). On June 16, 2022, the Debtors filed the *Notice of Occurrence of Effective Date of Fourth Amended Joint Plan of Reorganization (with technical modifications) of Mallinckrodt PLC and Its*

⁴ Capitalized terms used but not defined herein shall have the meaning given to such term in the Plan.

Debtor Affiliates Under Chapter 11 of the Bankruptcy Code [Docket No. 7652], stating that the effective date of the Plan was June 16, 2022.

6. Pursuant to the Plan, all PI/NAS Opioid Claims for alleged opioid-related personal injuries or similar opioid related claims or Causes of Action, including any opioid related personal injury Claims or similar opioid related Claims asserted by a relative of a deceased NAS child or other minor, and that arise before the Petition Date, are channeled to the PI Trust. Plan at § III.B.9.b-c.

7. The PI Trust Agreement [Docket No. 3610-1] includes: (a) the *Mallinckrodt Opioid PI Trust Distribution Procedure for NAS PI Claims* (the “**NAS PI TDP**”) and (b) *Mallinckrodt Opioid PI Trust Distribution Procedure for Non-NAS PI Claims* (the “**Non- NAS PI TDP**”) and together with the NAS PI TDP, the “**PI TDPs**”) [Docket No. 3282-3] which set forth the trust distribution procedures to be implemented by the PI Trust with respect to PI/NAS Opioid Claims.

8. The Non-NAS PI TDP and the NAS TDP both specifically contemplate the scenario that a Claimant may bring forth a claim on behalf of an individual who has passed away. According to the Non-NAS PI Claim Form (the “Claim Form”) available on the Mallinckrodt Opioid Personal Injury Trust Website (<https://mnkpitrust.com/>), the Claim Form is clear in Section 1.B for the Non-NAS PI Claimant or Section 1.B for the NAS Claimants, that a claim may be pursued on behalf of a PI Claimant who is a deceased person who used opioids. The Heirship Declarations presently utilized by such person in the Claim Form Process are found in Exhibit B hereto. For the reasons set forth herein, the Trustee respectfully requests that this Court enter an Order streamlining this claims process by allowing the use of ONE Revised Uniform Heirship Declaration in Exhibit C hereto.

9. The difficulty in opening a Probate Estate differs greatly across the various states in this nation, but can easily cost thousands of dollars after considering filing fees and any legal fees.⁵ Moreover, concluding probate proceedings can take anywhere from six (6) months to several years to conclude.⁶ If every Non-NAS PI or NAS Claimant bringing forth a decedent claim had to open a Probate Estate to distribute the funds from this case, most claimants' distributions for a lost family member would be completely wiped out, many claimants would lose a substantial portion of the distribution, and the distribution of all claims would be delayed by months or years.

10. It is expected that at least some heirs of decedents, properly or not, will dispute the distribution assigned to the case by the Trustee. Without any form of protection from suits being brought by decedents' beneficiaries regarding the distribution assigned to the Non-NAS PI or NAS Claimant, substantial costs would reduce the already limited settlement funds that should be going to Non-NAS PI or NAS Claimants and their families. Moreover, litigation brought by the decedent's heirs or beneficiaries would result in substantial delays in the distributions to Non-NAS PI or NAS Claimants.

11. The proposed Revised Uniform Heirship Declaration would be utilized by the Trustee/Claims Administrator as well as the attorneys for the Non-NAS PI and NAS Claimants and their families, and the *pro se* Claimants. When making distributions to any Claimants in this case, the Trustee proposes, and asks the Court to approve, distributions to a deceased Claimant's Representative "Payee" who signs the Revised Uniform Heirship Declaration or Heirship Declaration, upon that Representative "Payee" executing an agreement, within the Heirship Declaration, that he or she agrees to indemnify, defend, and hold harmless the Trustee and Claims Administrator, the PI Trust, and his or her attorneys of record for any claims that any heirs of the

⁵ <https://trustandwill.com/learn/probate-fees>

⁶ *Id.*

deceased Claimant may make against such parties. Moreover, the Representative “Payee” would be responsible for locating and paying all heirs their proportionate shares of the distribution. The proposed Heirship Declaration would afford the Trustee or the claimant’s attorney the protection of the Court to make such distributions to the Representative “Payee” that is listed on the Heirship Declaration. If an heir is omitted from the Heirship Declaration, neither the Trustee nor the Claimant’s attorney shall be responsible for payment to the omitted heir.

RELIEF REQUESTED

12. The Trustee respectfully requests that the Court enter an Order: (a) approving the Revised Uniform Heirship Declaration in Exhibit C and (b) approving the Heirship Declaration as having the force of law so that the sole remedy for any beneficiary is to pursue the Non-NAS PI or NAS Claimant directly.

BASIS FOR RELIEF

A. The Bankruptcy Court’s Jurisdiction

13. Section 105(a) of the Bankruptcy Code allows the Court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105. Courts in this district have interpreted section 105(a) to “grant[] the Court authority to issue any order necessary for the implementation of a confirmed plan, so long as the order is consistent with the [Bankruptcy] Code.” In re MF Glob. Holdings Ltd., 515 B.R. 193, 200 (Bankr. S.D.N.Y. 2014). This broad authority granted by the Bankruptcy Code gives the Court far-reaching discretion to implement procedures and issue orders that are necessary to implement a confirmed plan. Without the requested relief herein, many claimants will lose out on their entire distribution for the loss or injury of their deceased loved one or may only receive a fraction of what should be assigned to their case.

14. The Plan provides that the Court retains jurisdiction to “enter and implement such orders as may be necessary or appropriate to execute, implement, or consummate the provisions of the Plan, the Confirmation Order, and all contracts, instruments, releases, and other agreements or documents created in connection with the Plan, the Confirmation Order, or the Disclosure Statement.” Plan at § X.I. The relief requested herein is necessary to effectuate the contemplated provisions of the Non-NAS PI TDP and NAS TDP and distribute the full funds to successful Non-NAS PI and NAS Claimants raising decedent claims without a significant portion of the proceeds being wasted on probate proceedings or defending against actions brought by unknown heirs.

15. This Court also has jurisdiction to enter an Order authorizing the heirship declaration and as having the force of law, contrary to any state law. Wes-Flo Inc. v. Wilson Freight Co., 13 B.R. 617, 620 (Bankr. S.D. Ohio 1981) (“[S]ound judicial administration dictates that the bankruptcy court with basic and original jurisdiction must be familiar with and must control all aspects of its jurisdiction.”); Phillips v. Dickey, 47 So.3d 222, 226 (Ala. 2009) (quoting Consumer Portfolio Servs, Inc. v. Coleman, 342 B.R. 817, 820 (N.D. Ala 2006) (“All courts, including bankruptcy courts, retain jurisdiction to enforce their own orders and judgments. The Bankruptcy Court retains jurisdiction to construe and enforce its own orders from prior core proceedings and should do so.”); Phillips, 47 So.3d at 227 (2006) (“Because the bankruptcy court retained jurisdiction, the courts of this State lack jurisdiction.”)).

16. It is also important to note that the “probate exception” is inapplicable in the instant case. Generally, the probate exception is a legal maxim that holds probate disputes should be resolved in state probate courts. However, the doctrine is very narrow, as defined by Justice Ginsberg in Marshall v. Marshall, 547 U.S. 293, 311-312:

[T]he probate exception reserves to state probate courts the probate or annulment of a will and the administration of a decedent's estate; it also precludes federal courts from

endeavoring to dispose of property that is in the custody of a state probate court. But **it does not bar federal courts from adjudicating matters outside those confines** and otherwise within federal jurisdiction.
[emphasis added]

17. Given that the proposed Revised Uniform Heirship Declaration does not require this Court to administer the estate of any decedent, approving and enforcing the Revised Uniform Heirship Declaration is completely within this Court's jurisdiction. The Revised Uniform Heirship Declaration continues to provide the PI Trust with a means of efficiently distributing funds on a decedent claim to an individual likely to have the authority to receive the funds if a probate proceeding would have been opened. Moreover, the Revised Uniform Heirship Declaration still allows an heir that wishes to dispute the distribution to proceed with a state probate action against the PI Claimant. It only limits a potential litigant's ability to pursue the PI Trust or a PI Claimant's counsel, who would no longer have the funds subject to the dispute by that time any way. The Revised Uniform Heirship Declaration is not the only means by which a deceased Claimant's family can be paid; rather, the Claimant's family could utilize their State's Probate Court to open an estate and pursue the claim.

B. Proposed Revised Uniform Heirship Declaration

18. In order to ensure the limited funds of this case are adequately distributed to Non-NAS and NAS PI Claimants bringing forth decedent claims, the Trustee suggests that the court approve the Revised Uniform Heirship Declaration attached hereto as Exhibit C.⁷

19. The Revised Uniform Heirship Declaration requires that the PI or NAS Claimant confirm, under penalty of perjury, that no Probate Estate has been opened for the case and that the Decedent either (1) executed a valid will naming the PI or NAS Claimant as

⁷ The Trustee will continue to accept and review the previously approved Heirship Declarations in Exhibit B, if those are provided by a Claimant's family.

Executor/Administrator, (2) executed a valid testamentary trust naming the PI or NAS Claimant as the Trustee, or (3) did not execute any valid testamentary documents. Id. Additionally, the Heirship Declaration requires that the PI or NAS Claimant attest to whether he/she provided notice to any known beneficiaries of the pending case, and if so, that beneficiary's contact information and how they were notified. Id. If notification could not be effectuated, the PI or NAS Claimant must explain why. Id. Thereafter, the PI or NAS Claimant must once again declare under penalty of perjury that he/she will abide by the governing state's estate laws concerning the distribution of the decedent's funds. Id. Finally, the Heirship Declaration makes abundantly clear that, should any heir dispute the distribution of the funds amongst the decedent's heirs, the PI or NAS Claimant will be the sole entity that additional heirs may raise a claim against concerning the distribution from this case. Id.

20. The Trustee, in his capacity as the Trustee and as the Claims Administrator, is in favor of approving the Revised Uniform Heirship Declaration. Gentle Decl. at ¶ 6, in Exhibit A. Moreover, the Gentle Declaration describes how other Courts have addressed similar issues regarding the need to open a Probate Estate in other small settlements and why the Heirship Declaration proposed herein will benefit PI and NAS Claimants bringing forth decedent claims. Gentle Decl. at ¶ 5.

21. For example, in a settlement we administered involving an evacuation due to possible exposure to a potentially dangerous substance, the Claimants received \$500. *Smart et al. v. Brenntag Mid-South, Inc., et al.*, In the Superior Court of Fulton County, Georgia, 2006-CV-126859. It was not economical for a deceased claimant's family to open a Probate Estate. The Court agreed and entered an Order approving the use of an Heirship Affidavit much like the one presented to this Court for consideration, after having appointed the Claims Administrator with

judicial immunity, and thereby giving the process the force of law. Id. at October 16, 2017 Order Approving Heirship Affidavit.

22. Likewise, an Heirship Affidavit was utilized in the Bard IVC Filter Settlements (See In Re: Bard IVC Filters Products Liability Litigation, 2:15-md-02641-DGC (D. Arizona)) as well as the Tolbert Settlement (Tolbert, et al. v. Monsanto Company; and Pharmacia Corporation, In the United States District Court for the Northern District of Alabama, Southern Division, CV-01-1407-PWG-S), Amerigas Settlement (Swiger, et al. v. Amerigas Propane, Inc., et al., In the Circuit Court of Monongalia County, West Virginia, CV-98-C-298) and the Perrine DuPont Settlement (Perrine et al. v. E.I. Du Pont De Nemours and Company, et al., In the Circuit Court of Harrison County, West Virginia, CV-02-C-296-2) that we administered..

23. For the above reasons, the Trustee respectfully requests that this Court grant this Motion and enter the Order in Exhibit D, approving the proposed Revised Uniform Heirship Declaration in Exhibit C.

Dated: June 21, 2023

CROSS & SIMON, LLC

/s/ Christopher P. Simon

Christopher P. Simon (No. 3697)
1105 North Market Street, Suite 901
Wilmington, Delaware 19801
Tel: (302) 777-4200
csimon@crosslaw.com

*Counsel to Edgar C. Gentle, III, Trustee for
the Mallinckrodt Opioid Personal Injury
Trust*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC, et al.,

Debtors.¹

Chapter 11

Case No. 20-12522 (JTD)

(Jointly Administered)

Objection Deadline: July 5, 2023 at 4:00 p.m.

Hearing Date: July 27, 2023 at 10:00 a.m.

**NOTICE OF MOTION FOR (1) APPROVAL OF THE HEIRSHIP
DECLARATION AND (2) APPROVAL OF THE HEIRSHIP
DECLARATION AS HAVING THE FORCE OF LAW**

PLEASE TAKE NOTICE that Edgar C. Gentle, III, the Trustee for the Mallinckrodt Opioid Personal Injury Trust (the “Trustee”) filed the *Motion For (1) Approval of a Revised Uniform Heirship Declaration and (2) Approval of the Heirship Declaration as Having the Force of Law* (the “Motion”), with the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”).

PLEASE TAKE FURTHER NOTICE that, objections to the Motion, if any, must be filed on or before **July 5, 2023 at 4:00 p.m.** (the “Objection Deadline”) with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, Delaware 19801. At the same time, you must also serve a copy of the response upon the undersigned counsel to the Trustee so that the response is received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held on **July 27, 2023 at 10:00 a.m.** before The Honorable John T. Dorsey, United States Bankruptcy Court for

¹ A complete list of the Reorganized Debtors in these chapter 11 cases may be obtained on the website of the Reorganized Debtors’ claims and noticing agent at <http://restructuring.ra.kroll.com/Mallinckrodt>. The Reorganized Debtors’ mailing address is 675 McDonnell Blvd., St. Louis, Missouri 63042.

the District of Delaware, 824 North Market Street, 5th Floor, Courtroom 5, Wilmington, Delaware, 19801.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

Dated: June 21, 2023

CROSS & SIMON, LLC

/s/ Christopher P. Simon

Christopher P. Simon (No. 3697)
1105 North Market Street, Suite 901
Wilmington, Delaware 19801
Tel: (302) 777-4200
csimon@crosslaw.com

*Counsel to Edgar C. Gentle, III, Trustee for
the Mallinckrodt Opioid Personal Injury
Trust*

Exhibit A

(Gentle Declaration)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC, et al.,

Debtors.

Chapter 11

Case No. 20-12522 (JTD)

(Jointly Administered)

**DECLARATION OF EDGAR C. GENTLE, III IN SUPPORT OF THE MOTION FOR (1)
APPROVAL OF A REVISED UNIFORM HEIRSHIP DECLARATION AND (2)
APPROVAL OF THE HEIRSHIP DECLARATION AS HAVING THE FORCE OF LAW**

Under 28 U.S.C. § 1746, I, Edgar C. Gentle, III, the Trustee and Claims Administrator for the Mallinckrodt Opioid Personal Injury Trust Agreement (the "PI Trust"), in connection with Mallinckrodt PLC and its affiliated debtors in the above-captioned Chapter 11 cases, as debtors and debtors in possession (collectively, the "Debtors"), declare under the penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. This declaration is submitted in support of the *Motion For (1) Approval of a Revised Uniform Heirship Declaration and (2) Approval of the Heirship Declaration as Having the Force of Law* (the "Motion"), Edgar C. Gentle, III, as the Trustee and Claims Administrator of the Non-NAS and NAS Trust. This Declaration is submitted to summarize our experience in drafting Heirship Declarations used to circumvent costly/burdensome probate procedures and prevent needless litigation from draining the time and resources of the PI Trust. As set forth below, it is my belief that Non-NAS PI and NAS Claimants bringing forth decedent claims will benefit from the implementation of the Heirship Declaration.

A. Educational Background and Qualifications

2. My resume is attached hereto as Exhibit 1. I have 5 college degrees, 3 in law. I have a BS from Auburn as a Danforth Scholar, MS from Miami as a Maytag Fellow, a BA and MA in Law from Oxford as a Rhodes Scholar, and JD from Alabama as a Hugo Black Scholar.

3. I have practiced law since 1981 and have had my own law firm since 1989. We specialize in the mediation, settlement and administration of mass tort cases and MDLs. We have facilitated and administered over \$6 billion in settlements and are usually working on about thirty cases at the same time.

B. My Experiences in Similar Cases

4. Exhibit C to the Motion contains the Revised Uniform Heirship Declarations presented to the Court for its consideration.

5. I have used similar Heirship Declarations (or Affidavits) in other settlements and cases where there were small recoveries and Claimant payments and where the Court approved the use of such a procedural tool. For example, in a settlement we administered involving an evacuation due to possible exposure to a potentially dangerous substance, the Brenntag Claimants received \$500. *Smart et al. v. Brenntag Mid-South, Inc., et al.*, In the Superior Court of Fulton County, Georgia, 2006-CV-126859. In the Brenntag Case, it was not economical for a deceased claimant's family to open a Probate Estate. The Court agreed and entered an Order approving the use of an Heirship Affidavit much like the one presented to this Court for consideration. Id. at October 16, 2017 Order Approving Heirship Affidavit.

6. Likewise, an Heirship Affidavit was utilized in the Bard IVC Filter Settlements (*See In Re: Bard IVC Filters Products Liability Litigation*, 2:15-md-02641-DGC (D. Arizona)) as well as the Tolbert Settlement (*Tolbert, et al. v. Monsanto Company; and Pharmacia Corporation*, In the United States District Court for the Northern District of Alabama, Southern Division, CV-

01-1407-PWG-S), Amerigas Settlement (Swiger, et al. v. Amerigas Propane, Inc., et al., In the Circuit Court of Monongalia County, West Virginia, CV-98-C-298) and Perrine DuPont Settlement (Perrine et al. v. E.I. Du Pont De Nemours and Company, et al., In the Circuit Court of Harrison County, West Virginia, CV-02-C-296-2) that we administered.

7. I therefore believe that the approval of the Revised Uniform Heirship Declaration and the enforcement of such declaration as having the force of law is appropriate, given the safeguards proposed in the motion.

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

Dated: June 16, 2023



EDGAR C. GENTLE, III

Exhibit 1

(Ed Gentle Resume)

October 21, 2022

CURRICULUM VITA

Name of Attorney: Edgar C. Gentle, III, Esq.
Name of Firm: Gentle Turner & Benson, LLC
Profession: Attorney
Date of Birth: February 17, 1953
Years with Firm: 30
Nationality: U.S.A.
Memberships in Professional Societies: Admitted to Alabama State Bar (1981) and various Federal District Court and Appellate Court Bars

A. Key Qualifications

Ed Gentle was born in Birmingham, Alabama, February 17, 1953. He graduated summa cum laude in 1975 from Auburn University where he was a Danforth Scholar and earned a Bachelor of Science degree. In 1977 he received a Master of Science (summa cum laude) from the University of Miami as a Maytag Fellow.

He was a Rhodes Scholar (Auburn's second and Miami's first) at Oxford University, where he earned a B.A. degree with honors in Jurisprudence in 1979 and a M.A. degree in 1980. He then attended the University of Alabama School of Law as a Hugo Black Scholar. He earned his J.D. and was admitted to the Alabama State Bar in 1981.

Mr. Gentle has comprehensive experience in serving as Mediator, Special Master, Settlement Trustee, and Claims Administrator in Mass Tort Litigation, and providing grid design, claims administration and financial and business advice to Courts, Settling Parties, and Mass Tort Settlements. Approximately 90% of his professional time is devoted to this practice. He has helped create and administer over \$4.5 Billion in Settlements during the past 30 years. He has also provided expert affidavit, deposition and hearing testimony on the fairness of Mass Tort Settlements.

From 1992 to 2014, Mr. Gentle served as Special Master and Escrow Agent for the MDL 926 Global Breast Implant Settlement, paying \$1.2 Billion in claims for 300,000 claimants. From 2001 until 2003, he was Interim Financial Advisor for the Settlement Facility - Dow Corning Trust (the Dow Corning Breast Implant Settlement) overseeing the investment of over \$1 Billion and providing tax and accounting support for the Settlement, during part of Dow Corning's Chapter 11 Bankruptcy.

Commencing in December 2003, Mr. Gentle was appointed as the Settlement Administrator in the \$300 Million Anniston, Alabama Tolbert PCB Settlement with Monsanto and Solutia in connection with the administration of a Global Settlement before the Federal District Court for the Northern District of Alabama applicable to 18,000 claimants with respect to PCB contamination of property and PCB personal injury claims. In administering the \$300 Million settlement, Mr. Gentle designed the claimant payment program for property damage and personal injury, collected criteria for payments to each of the 18,000 claimants, ranked the claimants for payment amounts, satisfied private and government liens, and remitted payments to each of the claimants. The Settlement also provided primary medical and dental care and prescriptions to claimants, with this portion of the settlement being completed in 2016.

One of Mr. Gentle's specialties is serving as Settlement Administrator for Community Tort Settlements, such as a C-8 groundwater contamination case in Camden, New Jersey (with water filtration and damages 2004-2008), Warehouse Fire Settlements in Conyers, Georgia (2012) and Louisville, Kentucky (personal injury and property claims), Zinc Smelter Settlements in Spelter, West Virginia (medical monitoring and property remediation 2011-2017) and Blackwell, Oklahoma (property remediation 2013-2019), a coal slurry groundwater contamination Settlement in Mingo County, West Virginia (medical monitoring 2013), and two train wrecks in Kentucky (2010 and 2017), one in Alabama and one in West Virginia (personal injury and property claims 2017-2019).

In November, 2009, Mr. Gentle was appointed Claims Administrator in the Jefferson County, Alabama, Occupation Tax Refund Class Settlement before the Honorable David Rains, in the Circuit Court of Jefferson County. On May 14, 2010, the Supreme Court of Alabama upheld the \$37 Million Judgment. The Parties entered into a Class Settlement, which was approved by the Court, and tax refunds were issued to over 300,000 claimants. The case was completed in 2014.

In June 2010, Mr. Gentle was appointed Special Master and Settlement Administrator in the Total Body Multi-district Litigation, MDL 1985. The claimed toxigen was a selenium overdose in a health maintenance drink, with claimed damages being hair loss and damage to bodily organs. Working closely with the Court, Mr. Gentle facilitated the aggregate settlement of all cases, in August 2010. Mr. Gentle and his staff determined the value of each of the settled cases, which was consented to by all Plaintiffs, and Mr. Gentle administered the Settlement, satisfied private and government liens, and paid all claimants, which was completed in 2013.

In the Fall of 2011, after his successful mediation of a Settlement, Mr. Gentle was appointed Claim Administrator for the 1,000 family Perrine v. DuPont Zinc Smelter Class Action Settlement in Spelter, West Virginia, involving a \$40 million remediation program for soil and houses with respect to cadmium, arsenic, zinc and lead, and a 30 year medical monitoring program. The remediation program was completed in 2017, and the medical monitoring program will be completed in 2041.

In 2012, Mr. Gentle was appointed Claims Administrator of the Swiger v. AmeriGas, West Virginia statewide Class Settlement, involving monetary awards and remediation for

approximately 12,000 claimants and with respect to propane gas lines.

Mr. Gentle is Special Master in the national MDL Blue Cross Antitrust Litigation, MDL 2406, with putative provider and subscriber classes, before the Honorable R. David Proctor, having been appointed in 2012. The case has 3 groups of litigants: the Policy Subscribers, the Medical Providers and the 37 Blue Cross companies. There are over 100 million potential plaintiffs. Among his duties are mediating a Settlement of the subscribers/Blue Cross litigation, and auditing subscriber and provider common benefit attorney time and expenses. Mr. Gentle mediated a Settlement between the Subscribers and the Blues from 2017 to 2020, resulting in the filing of a proposed \$2.67B Settlement, approved by the Court in September 2022.

Mr. Gentle is now co-mediating a possible settlement between the Blue Cross companies and the Medical Providers in the same MDL.

From 2012 to 2014, Mr. Gentle, as Special Master, facilitated the creation and administration of a 93 claimant settlement with an undisclosed manufacturer and hospital concerning CT-Scan radiation exposure, with claimed damages being hair loss and cognitive deficiencies.

In 2013 and 2014, Mr. Gentle administered four separate Pfizer Chantix Aggregate Settlements, designing the payment matrix, handling claimant appeals, resolving liens, and paying claimants.

In 2013, Mr. Gentle was appointed Claims Administrator for the Coffey v. Phelps Dodge Oklahoma Circuit Court Class Settlement in Blackwell, Oklahoma with respect to a zinc smelter and involving a \$34 million remediation project for 1,000 households with respect to cadmium, arsenic, zinc and lead. The program was completed in 2019.

In 2014, Mr. Gentle was appointed Claims Administrator for the Mingo County, West Virginia medical monitoring program, lasting 30 years and involving 750 claimants exposed to coal slurry well contamination. The program will be completed in 2044.

In 2014, Mr. Gentle was appointed Plaintiff Lien Administrator for the Hydroxycut Mass Settlement.

In November 2014, Mr. Gentle was appointed one of three Special Masters in the Stryker Hip MDL, MDL 2441, handling settlement appeals and opt-out mediations. In October 2020, he was appointed as the only Special Master in an extension of this settlement program. He mediates Settlements of Stryker opt-outs, and decides appeals in the Stryker Settlement. The case involves approximately 3,000 claimants.

In 2015, 2016, and 2017, Mr. Gentle was hired by Defendant, Smith & Nephew, and Plaintiffs' Counsel to facilitate three Memphis, Tennessee aggregate settlements involving artificial hips and to resolve related plaintiff liens.

In May 2016, Mr. Gentle was appointed Claims Administrator by the Escambia County, Florida, Circuit Court in Allen v. A.E. New, the Pensacola jail fire and explosion case, to facilitate the class settlement of the 667 claimant case. The Settlement was approved in 2018.

In October 2016, Mr. Gentle was appointed Special Master by the Fulton County, Georgia Circuit Court in Smart v. Brenntag, to carry out the administration of a chemical spill class settlement.

In February 2017, Mr. Gentle was appointed Settlement Administrator of an industrial plant contamination settlement in Bowling Green, Kentucky involving personal injury and property damages plaintiffs and Federal Mogul, with the Aggregate Settlement being approved by the Court in August 2018.

In September 2017, Mr. Gentle was appointed Claims Administrator for a GE factory fire class settlement in Louisville, Kentucky.

In October 2017, Mr. Gentle was appointed Special Master by the West Virginia Federal District Court for the Southern District of West Virginia to administer the Mt. Carbon 400 claimant aggregate train derailment settlement with Sperry (personal injury and property damage). Subsequently, in March 2018, Mr. Gentle was appointed Special Master to administer the portion of the Settlement applicable to CSX.

In October 2017, Mr. Gentle was appointed Escrow Agent for the Common Benefit Fund in the Storz Morcellator Litigation in the Superior Court of California, of Los Angeles County.

In December 2017, Mr. Gentle was appointed Special Master by the Circuit Court of Duval County, Florida to administer a plastic surgery medical malpractice aggregate settlement with 260 female claimants.

In February 2018, Mr. Gentle was appointed Cy Pres Special Master for the Winston Jefferson County ad valorem tax class settlement case.

In June 2018 Mr. Gentle began to assist lead counsel in the Abilify MDL 2734, to design a claimant payment grid and to facilitate a potential settlement of the case, and in February 2019 he was appointed Extraordinary Damages Award Special Master for the resulting aggregate settlement. The opt-out rate was less than 1%.

In September 2018, Mr. Gentle was appointed Special Master of a personal injury aggregate settlement involving a train derailment in Maryville, Tennessee with CSX and Union Tank as defendants.

In December 2018, Mr. Gentle was appointed Claims Administrator for the U.S. Pipe North Birmingham lead contamination Aggregate Settlement.

In May 2019, Mr. Gentle was appointed Settlement Special Master for a mercury contamination aggregate settlement in Florence, Alabama involving 97 plaintiffs.

Mr. Gentle is a medical monitoring expert in two pending PFOA cases, one in New Jersey and one in upstate New York, being engaged in 2018 and 2019. He administered a PFOA settlement with DuPont in Camden, New Jersey in 2011.

In August 2019, Mr. Gentle was appointed by the Court to administer the aggregate settlement of a bus accident lawsuit in the Calhoun County, Alabama Circuit Court and involving 2 deaths and 44 personal injury claimants.

In November 2019 to November 2020, Mr. Gentle has been appointed Special Master to create grids and to administer three separate aggregate settlements for Bard IVC Filter claimants for six Plaintiffs' law firms.

In the Fall of 2020, Mr. Gentle was appointed Claims Administrator of the 4,000 Claimant Pradaxa Settlement.

In the Fall of 2021, Mr. Gentle was appointed Trustee and Claims Administrator of the \$700-750M 100,000 claimant Purdue Opioid Bankruptcy Personal Injury Settlement, with an anticipated Effective Date in 2023.

In the Spring of 2022, Mr. Gentle was appointed Trustee and Claims Administrator of the Personal Injury Claimant Mallinckrodt Opioid Bankruptcy Settlement, with an Effective Date of June 2022.

B. Education

<u>Class Rank</u>	<u>School</u>
4	J.D., University of Alabama School of Law 1981 (Hugo Black Scholarship)
Middle	M.A., Jurisprudence, Oxford University 1980 (Rhodes Scholarship)
Middle	B.A., Honours Jurisprudence, Oxford University 1979 (Rhodes Scholarship)
1	M.S., <u>Summa Cum Laude</u> , University of Miami 1977 (Maytag Fellowship [washing machines])
1	B.S., <u>Summa Cum Laude</u> , Auburn University 1975 (Danforth Scholarship [Purina])

C. Employment Record

June 1992 - Present	Gentle Turner & Benson, LLC Managing Partner Birmingham, Alabama
September 1991 - June 1992	Miller, Hamilton, Snider & Odom Partner Manager of Birmingham, Alabama Office

January 1987 - September 1991	Schoel, Ogle, Benton, Gentle & Centeno Partner Birmingham, Alabama
December 1985 - January 1987	Law Offices of James L. North Associate Birmingham, Alabama
June 1983 - December 1985	AT&T Senior Staff Attorney Atlanta, Georgia
May 1981 - June 1983	North, Haskell, Slaughter, Young & Lewis Associate Birmingham, Alabama

D. Contact Information

Website: www.gtandslaw.com

E-mail address: egentle@gtandslaw.com

Telephone number: 205-716-3000

Fax number: 205-716-3010

Cell Phone: 205-960-2533

E. References

The Honorable Kenneth Feinberg
Feinberg Law Offices
1455 Pennsylvania Avenue NW #390
Washington D.C. 20004
(202) 256-3877
kfeinberg@feinberglawoffices.com

David Boies, Esq.
Boies Schiller Flexner
55 Hudson Yards, 20th Floor
New York, NY 10001
(914) 629-0200
dboies@bsflp.com

The Honorable Thomas A. Bedell
Circuit Court Judge of Harrison County, WV
Harrison County Courthouse
301 West Main Street, Room 321
Clarksburg, West Virginia 26301
(304) 624-8593

Kim West, Esq.
Wallace, Jordan, Ratcliff & Brandt, LLC
First Commercial Bank Building
800 Shades Creek Parkway, Suite 400
Birmingham, Alabama 35209
(205) 870-0555
Email address: kwest@wallacejordan.com

The Honorable U.W. Clemon
Retired Federal District Court Judge
5202 Mountain Ridge Parkway
Birmingham, Alabama 35222
(205) 837-2898
Email address: clemonu@bellsouth.net

The Honorable R. David Proctor
United States District Court Judge
Hugo L. Black U.S. Courthouse, 7th Floor
1729 Fifth Avenue North
Birmingham, Alabama 35203
(205) 278-1982

Matthew H. Lembke, Esq.
Bradley Arant Boult Cummings, LLP
1819 Fifth Avenue North
Birmingham, Alabama 35203
(205) 521-8560
Email address: mlembke@bradley.com

Daniel E. Laytin, P.C.
Kirkland & Ellis, LLP
300 North LaSalle
Chicago, IL 60654
(312) 862-2000
Email address: daniel.laytin@kirkland.com

J. Mark White, Esq.
White Arnold & Dowd, P.C.
2025 3rd Avenue North, Suite 500
Birmingham, Alabama 35203
(205) 323-1888
Email address: mwhite@whitearnolddowd.com

Robert B. Roden, Esq.
Shelby Roden, LLC
2101 Highland Avenue S, Suite 200
Birmingham, AL 35205
(205) 933-8383
Email address: bob@shelbyroden.com

Virginia Buchanan, Esq.
Levin, Papantonio, Thomas, Mitchell,
Rafferty and Proctor, P.A.
316 South Baylen Street
Pensacola, Florida 32502
(850) 435-7023
Email address: vbuchanan@levinlaw.com

D. Blayne Honeycutt, Esq.
Fayard & Honeycutt
419 Flori Avenue, SW
Denham Springs, Louisiana 70726
(225) 664-0304
Email address: dbhoneycutt@fayardlaw.com

Chris Hellums, Esq.
1100 Park Place Tower
2001 ParkPlace North
Birmingham, Alabama 35203
(205) 322-8880
Email address: chrish@pittmandutton.com

Lewis C. Sutherland, Esq.
Vinson & Elkins, LLP
1001 Fannin Street, Suite 2500
Houston, Texas 77002-6760
(713) 758-2367
Email address: lsutherland@velaw.com

Exhibit B

(The Heirship Declarations Presently Utilized)

**SD1 - HEIRSHIP DECLARATION FOR
MALLINCKRODT OPIOID NON-NAS PI TRUST DISTRIBUTION PROCEDURES**

SD-1	SWORN DECLARATION: SIGNATORY IS EXECUTOR UNDER DECEDENT'S LAST WILL AND TESTAMENT
<p>You are required to complete this declaration if you hold a PI Claim¹ (and thus are a "PI Claimant") regarding the opioid-related death of another person (the "Decedent"), and you have not been appointed with the authority to act on behalf of the Decedent because no probate or estate proceeding has been commenced, but you have been named as executor or executrix (or comparable position under applicable state law) under the Last will and Testament of the Decedent.</p>	

I. Decedent Information			
Name:	<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>
Social Security Number:		Date of Death:	
Residence/Legal Domicile Address at Time of Death	<small>Street</small>		
	<small>City</small>	<small>State</small>	<small>Zip Code</small>

II. PI Claimant Information			
Your Name	<small>First Name</small>	<small>Middle Initial</small>	<small>Last Name</small>
Your Social Security Number			
Your Address	<small>Street</small>		
	<small>City</small>	<small>State</small>	<small>Zip Code</small>
Your Relationship to Decedent			
Basis of Your Authority to Act for the Decedent			
List here and attach copies of all document(s) evidencing the basis for your authority	1. Last Will and Testament of _____, dated _____.		
	2. _____.		

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan.

III. Heirs and Beneficiaries of Decedent (Attach additional sheets if needed)			
Use the space below to identify the name and address of all persons who may have a legal right to share in any settlement payment on behalf of the claim of the Decedent. Also state if and how you notified these persons of the settlement, or the reason they cannot be notified.			
	Name:	Information:	
1.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
2.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
3.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
4.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
5.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:

IV. PI CLAIMANT CERTIFICATION
<p>This Sworn Declaration is an official document for submission to the PI Trust. By signing this Sworn Declaration, I certify and declare under penalty of perjury pursuant to 28 U.S.C. §1746 that:</p> <p style="margin-left: 40px;">(a) I am seeking authority to act on behalf of the Decedent and his or her estate, heirs, and beneficiaries in connection with the PI TDP, including with respect to the submission of forms and supporting evidence and the receipt of payment for any such awards.</p>

(b) I will abide by all substantive laws of the Decedent's last state of domicile concerning the compromise and distribution of any monetary award to the appropriate heirs or other beneficiaries and any other parties with any right to receive any portion of any payments.

(c) No one else has been appointed the personal representative, executor, administrator, or other position with the authority to act on behalf of the Decedent and his or her estate.

(d) The copy of the Last Will and Testament provided by me is the Last Will and Testament of the Decedent.

(e) No application or proceeding has been filed in state or other court to administer the estate of the Decedent or to appoint an executor or administrator because state law does not require it.

(f) I will notify the PI Trust immediately if my authority to act is curtailed, surrendered, withdrawn, or terminated.

(g) I am not aware of any objections to my appointment and service as the PI Claimant on behalf of the Decedent and his or her estate, heirs, and beneficiaries.

(h) No person notified under Section III objects to my serving as the PI Claimant and taking such steps as required by the PI TDP to resolve all claims related to the Decedent's prescription and/or use of Mallinckrodt opioids. The persons named in Section III are all of the persons who may have a legal right to share in any settlement payment issued in respect of the injuries of the Decedent.

(g) I will comply with any and all provisions of the state law regarding the compromise and distribution of the proceeds of the settlement of a survival or wrongful death claim to the appropriate heirs or other beneficiaries and any other parties with any right to receive any portion of any payments.

(h) I will indemnify and hold harmless the PI Trust and its agents and representatives, from any and all claims, demands, or expenses of any kind arising out distributions from the PI Trust on account of injuries of the Decedent.

The information I have provided in this Declaration is true and correct. I understand that the PI Trust and Court will rely on this Declaration, and false statements or claims made in connection with this Declaration may result in fines, imprisonment, and/or any other remedy available by law.

V. PI Claimant Signature

Signature:		Date:	

**SD2 - HEIRSHIP DECLARATION FOR
MALLINCKRODT OPIOID NON-NAS PI TRUST DISTRIBUTION PROCEDURES**

SD-2	SWORN DECLARATION: DECEDENT DID NOT LEAVE A LAST WILL AND TESTAMENT
<p>You are required to complete this declaration if you hold a PI Claim¹ (and thus are a “PI Claimant”) regarding the opioid-related death of another person (the “Decedent”), and you have not been appointed with the authority to act on behalf of the Decedent because the Decedent Claimant died without a Will and no probate or estate proceeding has been opened.</p>	

I. Decedent Information			
Name:	First Name	Middle Initial	Last Name
Social Security Number:		Date of Death:	
Residence/Legal Domicile Address at Time of Death	Street		
	City	State	Zip Code

II. PI Claimant Information			
Your Name	First Name	Middle Initial	Last Name
Your Social Security Number			
Your Address	Street		
	City	State	Zip Code
Your Relationship to Decedent			
Basis of Your Authority to Act for the Decedent			
List here and attach copies of all document(s) evidencing the basis for your authority	<p>1. A copy of the intestate statute of the state or domicile of the Deceased Claimant at the time of his or her death.</p> <p>2.</p>		

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Plan.

III. Heirs and Beneficiaries of Decedent (Attach additional sheets if needed)			
Use the space below to identify the name and address of all persons who may have a legal right to share in any settlement payment on behalf of the claim of the Decedent. Also state if and how you notified these persons of the settlement, or the reason they cannot be notified.			
	Name:	Information:	
1.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
2.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
3.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
4.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:
5.		Address	
		Relationship to Decedent	
		Notified of Settlement?	<input type="checkbox"/> Yes. How notified: <input type="checkbox"/> No. Why not notified:

IV. PI CLAIMANT CERTIFICATION
This Sworn Declaration is an official document for submission to the PI Trust. By signing this Sworn Declaration, I certify and declare under penalty of perjury pursuant to 28 U.S.C. §1746 that:

(a) I am seeking authority to act on behalf of the Decedent and his or her estate, heirs, and beneficiaries in connection with the PI TDP, including with respect to the submission of forms and supporting evidence and the receipt of payment for any such awards.

(b) I will abide by all substantive laws of the Decedent's last state of domicile concerning the compromise and distribution of any monetary award to the appropriate heirs or other beneficiaries and any other parties with any right to receive any portion of any payments.

(c) No one else has been appointed the personal representative, executor, administrator, or other position with the authority to act on behalf of the Decedent and his or her estate.

(d) There is no known last will and testament of the Decedent and no application or proceeding has been filed in state or other court to administer the estate of the Decedent or to appoint an executor or administrator.

(e) I will notify the PI Trust immediately if my authority to act is curtailed, surrendered, withdrawn, or terminated.

(f) I am not aware of any objections to my appointment and service as the PI Claimant on behalf of the Decedent and his or her estate, heirs, and beneficiaries.

(g) No person notified under Section III objects to my serving as the PI Claimant and taking such steps as required by the PI TDP to resolve all claims related to the Decedent's prescription and/or use of Mallinckrodt opioids. The persons named in Section III are all of the persons who may have a legal right to share in any settlement payment issued in respect of the injuries of the Decedent.

(h) I will comply with any and all provisions of the state law regarding the compromise and distribution of the proceeds of the settlement of a survival or wrongful death claim to the appropriate heirs or other beneficiaries and any other parties with any right to receive any portion of any payments.

(i) I will indemnify and hold harmless the PI Trust and its agents and representatives, from any and all claims, demands, or expenses of any kind arising out distributions from the PI trust on account of injuries of the Decedent.

The information I have provided in this Declaration is true and correct. I understand that the PI Trust and Court will rely on this Declaration, and false statements or claims made in connection with this Declaration may result in fines, imprisonment, and/or any other remedy available by law.

V. PI Claimant Signature

Signature:		Date:	
-------------------	--	--------------	--

Exhibit C

(Proposed Revised Uniform Heirship Declaration)

HEIRSHIP DECLARATION FOR MALLINCKRODT OPIOID PI TRUST DISTRIBUTION PROCEDURES

SWORN DECLARATION AND RELEASE

Any holder of a Non-NAS or NAS PI Claim (a "PI Claimant") regarding the opioid-related death of another person (the "Decedent"), or because of the death of the Decedent before the PI Claim is paid, is required to complete this declaration if the PI Claimant has not been named as the executor/administrator of the Decedent's estate by a probate court. Moreover, the PI Claimant must also provide notice to any other beneficiary who may be entitled to receive a portion of the distribution of this case to ensure that all potential beneficiaries have received fair and proper notice of this distribution.

I. Decedent Information

Name:	First Name	Middle Initial	Last Name
Social Security Number:	Date of Death:		
Residence/Legal Domicile Address at Time of Death	Street		
	City	State	Zip Code

II. PI Claimant Information

Your Name	First Name	Middle Initial	Last Name
Your Social Security Number			
Your Address	Street		
	City	State	Zip Code
Your Relationship to Decedent			

III. Authority to Receive a Distribution

I, _____, a PI Claimant, have authority to act on behalf of Decedent for one of the following reasons (please select *one* and provide the applicable documentation):

_____	Decedent Executed a Valid Will Naming PI Claimant as the Executor/Administrator
List here and attach copies of all document(s) evidencing a valid Last Will and Testament executed by Decedent naming PI Claimant as Executor/Administrator:	1. Last Will and Testament of _____, dated _____. 2. _____ 3. _____

III. Authority to Receive a Distribution (continued)

_____	Decedent Executed a Valid Testamentary Trust Naming PI Claimant as the Trustee	
List here and attach copies of all document(s) evidencing a valid Testamentary Trust executed by Decedent naming PI Claimant as Trustee:	1. Testamentary Trust executed by _____, dated _____. 2. _____ 3. _____	
_____	Decedent Did Not Execute a Valid Testamentary Document (did not have an executed Will or Trust)	
List here the intestate statute(s) of the Residence/Legal Domicile at Time of Death of the Decedent and attach a copy of the full language of the statute(s):	1. A copy of the intestate statute(s) of the state or domicile of the Deceased Claimant at the time of his or her death. 2. _____ 3. _____	

IV. Notice to Heirs and Beneficiaries of Decedent
(Attach additional sheets if needed)

Use the space below to identify the name and address of all persons who may have a legal right to share in any settlement payment on behalf of the claim of the Decedent. Also state if and how you notified these persons of the settlement, or the reason they cannot be notified.

	Name:	Information:	
1.		Address	
		Relationship to Decedent	
		Notified of Settlement?	___ Yes. How notified: _____ ___ No. Why not notified: _____ _____
2.		Address	
		Relationship to Decedent	
		Notified of Settlement?	___ Yes. How notified: _____ ___ No. Why not notified: _____ _____

IV. Notice to Heirs and Beneficiaries of Decedent (continued)

	Name:	Information:	
3.		Address	
		Relationship to Decedent	
		Notified of Settlement?	__ Yes. How notified: _____ __ No. Why not notified: _____
4.		Address	
		Relationship to Decedent	
		Notified of Settlement?	__ Yes. How notified: _____ __ No. Why not notified: _____
5.		Address	
		Relationship to Decedent	
		Notified of Settlement?	__ Yes. How notified: _____ __ No. Why not notified: _____
6.		Address	
		Relationship to Decedent	
		Notified of Settlement?	__ Yes. How notified: _____ __ No. Why not notified: _____
7.		Address	
		Relationship to Decedent	
		Notified of Settlement?	__ Yes. How notified: _____ __ No. Why not notified: _____

V. PI Claimant Certification – Sworn Declaration

This Sworn Declaration is an official document for submission to the PI Trust. By signing this Sworn Declaration, I certify and declare under penalty of perjury pursuant to 28 U.S.C. §1746 that:

- A. I am seeking authority to act on behalf of the Decedent and his or her estate, heirs, and beneficiaries in connection with the Non-NAS PI TDP or NAS TDP, including with respect to the submission of forms and supporting evidence and the receipt of payment for any such awards.
- B. I will abide by all substantive laws of the Decedent's last state of domicile concerning the compromise and distribution of any monetary award to the appropriate heirs or other beneficiaries and any other parties with any right to receive any portion of any payments.
- C. If Decedent executed a valid Will naming PI Claimant as the Executor/Administrator:
 - a. No one else has been appointed the personal representative, executor, administrator, or other position with the authority to act on behalf of the Decedent and his or her estate.
 - b. The copy of the Last Will and Testament provided by me is the Last Will and Testament of the Decedent.
 - c. I will notify the PI Trust immediately if my authority to act is curtailed, surrendered, withdrawn, or terminated.
- D. If Decedent executed a valid Testamentary Trust naming PI Claimant as the trustee:
 - a. No one else has been appointed the personal representative, executor, administrator, or other position with the authority to act on behalf of the Decedent and his or her estate.
 - b. No one else has been appointed the trustee or other position with the authority to act on behalf of the Decedent and his or her estate.
 - c. The copy of the Testamentary Trust provided by me is the currently valid Testamentary Trust of the Decedent.
 - d. I will notify the PI Trust immediately if my authority to act is curtailed, surrendered, withdrawn, or terminated.
- E. If the Decedent did not execute a valid testamentary document:
 - a. No one else has been appointed the personal representative, executor, administrator, or other position with the authority to act on behalf of the Decedent and his or her estate.
 - b. There is no known Last Will and Testament of the Decedent and no application or proceeding has been filed in state or other court to administer the estate of the Decedent or to appoint an executor or administrator.
 - c. I will notify the PI Trust immediately if my authority to act is curtailed, surrendered, withdrawn, or terminated.
- F. No application or proceeding has been filed in state or other court to administer the estate of the Decedent or to appoint an executor or administrator of the Decedent's estate.
- G. I am not aware of any objections to my appointment and service as the PI Claimant on behalf of the Decedent and his or her estate, heirs, and beneficiaries.
- H. No person notified under Section IV objects to my serving as the PI Claimant and taking such steps as required by the PI TDP to resolve all claims related to the Decedent's prescription and/or use of Mallinckrodt opioids. The persons named in Section IV are all of the persons who may have a legal right to share in any settlement payment issued in respect of the injuries of the Decedent.

V. PI Claimant Certification – Sworn Declaration (Continued)

- I. I will comply with any and all provisions of the state law regarding the compromise and distribution of the proceeds of the settlement of a survival or wrongful death claim to the appropriate heirs or other beneficiaries and any other parties with any right to receive any portion of any payments.
- J. In accordance with item I. above, I understand that I am responsible for locating and paying all heirs their proportionate share of the distribution based on the applicable Will, Trust or Intestate Statute.
- K. I will indemnify, defend and hold harmless the PI Trust, its agents and representatives, and any law firm(s) representing me from any and all claims, demands, or expenses of any kind arising out of distributions from the PI Trust.
- L. I understand that, by signing this Sworn Declaration, the sole remedy for any beneficiary that contests the allocation of the distribution from this case is to pursue me directly.

The information I have provided in this Declaration is true and correct. I understand that the PI Trust, the Court and any law firm(s) representing me will rely on this Declaration, and false statements or claims made in connection with this Declaration may result in fines, imprisonment, and/or any other remedy available by law.

I, the undersigned, declare the above as true and correct under penalty of perjury:

Signature:

Date:

Exhibit D

(Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

MALLINCKRODT PLC, *et al.*,

Debtors.

Chapter 11

Case No. 20-12522 (JTD)

(Jointly Administered)

Re: D.I. ____

ORDER APPROVING A REVISED UNIFORM HEIRSHIP AFFIDAVIT

BEFORE THIS COURT is the Motion of the Trustee and Claims Administrator for the Approval of a Revised Uniform Heirship Declaration and Approval of the Heirship Declaration as having the Force of Law, with the Heirship Declaration being attached as Exhibit C to his Motion (the “Heirship Declaration”), for consideration, and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order of Reference from the United States District Court for the District of Delaware dated as of February 29, 2012; and consideration of the Motion and the relief requested therein being a core proceeding under 28 U.S.C. § 157(b)(2); and the Court having authority to enter a final order consistent with Article III of the United States Constitution; and venue being proper before this Court under 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and good and sufficient cause appearing therefor, IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. On June 21, 2023, Edgar C. Gentle, III, the Trustee and Claims Administrator for the Mallinckrodt Opioid Personal Injury Trust (the PI Trust), reported to the Court that there are numerous PI Trust Claimants who are deceased or will die during the claims process, many of whom died intestate and for whom a Probate Estate may not have been opened.

3. The Trustee and Claims Administrator suggested that, because the claimant payments from the Fund are comparatively small, it may not be economical for a deceased claimant's family to open a Probate Estate to negotiate a Settlement payment. Therefore, the Trustee and Claims Administrator has suggested to the Court that the Revised Uniform Heirship Affidavit in the form of Exhibit C to his Motion be considered as an alternative means to facilitate payments to the deceased claimant's family

4. The Trustee and Claims Administrator reported that, in his experience, similar Heirship Affidavits have been used in other Settlements where claimant payments are relatively small.

5. This Court also has jurisdiction to enter an Order authorizing the heirship declaration and as having the force of law, contrary to any state law. Wes-Flo Inc. v. Wilson Freight Co., 13 B.R. 617, 620 (Bankr. S.D. Ohio 1981) (“[S]ound judicial administration dictates that the bankruptcy court with basic and original jurisdiction must be familiar with and must control all aspects of its jurisdiction.”); Phillips v. Dickey, 47 So.3d 222, 226 (Ala. 2009) (quoting Consumer Portfolio Servs, Inc. v. Coleman, 342 B.R. 817, 820 (N.D. Ala 2006) (“All courts, including bankruptcy courts, retain jurisdiction to enforce their own orders and judgments. The Bankruptcy Court retains jurisdiction to construe and enforce its own orders from prior core proceedings and should do so.”); Phillips, 47 So.3d at 227 (2006) (“Because the bankruptcy court retained jurisdiction, the courts of this State lack jurisdiction.”).

6. The Court, having considered the Report of the Trustee and Claims Administrator on this matter, and all other matters and things as it deems appropriate, hereby ORDERS, ADJUDGES AND DECREES as follows and as HAVING THE FORCE OF LAW:

(i) In addition to the traditional means of opening a Probate Estate for a deceased

claimant and the current Heirship Declarations previously approved for the PI Trust, the form of Heirship Declaration in Exhibit C to the Trustee's Motion is hereby approved by the Court to facilitate payment to deceased claimant families who are making claims for Non-NAS PI claims as well as NAS claims. This Heirship Declaration will provide an alternative method for payment of a deceased claimant's distribution to the deceased claimant's heirs through the payment procedures utilized by the Trustee and Claims Administrator. For the Heirship Declaration to be used by the Trustee and Claims Administrator or a Claimant's attorney or the *pro se* Claimant, an heir must complete the form and state under oath: (a) verify that the deceased claimant died intestate, and (b) describe in detail the heirs of the deceased claimant;

(ii) Based upon the completed Heirship Declaration, the Trustee and Claims Administrator or the deceased claimant's attorney or the *pro se* Claimant shall distribute the deceased claimant's distribution payment to the Representative "Payee" who signs the Revised Uniform Heirship Declaration or Heirship Declaration, upon that Representative "Payee" executing an agreement, within the Heirship Declaration, that he or she agrees to indemnify, defend, and hold harmless the Trustee and Claims Administrator, the PI Trust, and his or her attorneys of record for any claims that any heirs of the deceased Claimant may make against such parties. Moreover, the Representative "Payee" shall be responsible for locating and paying all heirs their proportionate share of the distribution payment. Provided such payments are made in accordance with the Heirship Declaration, the Trustee and Claims Administrator as well as Claimant's attorney are released from any further liability as to said deceased claimant;

- (iii) The PI Trust, the Trustee and Claims Administrator, Class Counsel and the Defendants shall incur no liability to the deceased claimant, or the deceased claimant's family or creditors, as a result of this procedure;
- (iv) Provided the Trustee and Claims Administrator acts strictly in accordance with the Protocols and the directives herein, he and his staff are granted Judicial Immunity;
- (v) The Trustee and Claims Administrator and all other parties are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion;
- (vi) The terms and conditions of this Order shall be immediately effective and enforceable upon its entry and are to be given full force of law; and
- (vii) This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation and/or interpretation of this Order.