

**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. 8874**

**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:

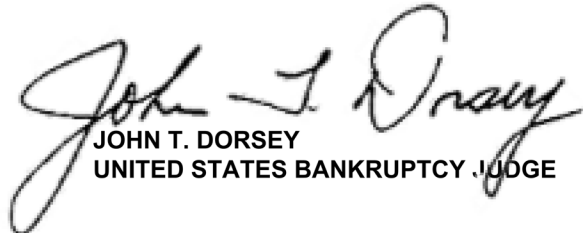
(i) In addition to the traditional means of opening a Probate Estate for a deceased

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.

**Dated: July 7th, 2023**  
**Wilmington, Delaware**

  
**JOHN T. DORSEY**  
**UNITED STATES BANKRUPTCY JUDGE**