

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

In re:)	Chapter 11
)	
MALLINCKRODT PLC, <i>et al.</i> ,)	Case No. 20-12522 (JTD)
)	
Debtors.)	(Jointly Administered)
)	
)	
)	Re: D.I. No. 8747

**ORDER CLARIFYING QUALIFIED OPIOID LIST AND TIER 1 LEVEL A
DEFINITION FOR THE MALLINCKRODT OPIOID PERSONAL INJURY TRUST**

Upon the Motion of the Personal Injury Trustee, Edgar C. Gentle, III, for the entry of an Order clarifying and adopting the proposed Qualified Opioid List and Tier 1 Level A Definition for the Mallinckrodt Opioid Personal Injury Trust (the “Trust”) for NON-NAS PI Claims; and the Court having jurisdiction to consider the Motion and the relief requested therein; and consideration of the Request and the relief requested therein being a core proceeding under 28 U.S.C. § 157(b); and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided to the Noticed Parties, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion and held a hearing to consider the relief requested therein (the “Hearing”); and the Court having determined that the legal and factual bases set forth in the Request and at the Hearing establish just cause for the relief granted in this order; and the Court having determined that the relief requested is necessary for the consistent scoring of claims submitted under the MNK PI Trust Non-NAS PI TDP, and is in the best interest of the Debtors, their estates, creditors, and all parties in interest; and the publication of the requested relief in the Motion and this Order helps afford impacted parties with reasonable notice thereof; and upon all of the proceedings had

before the Court and after due deliberation and good and sufficient cause appearing therefor;

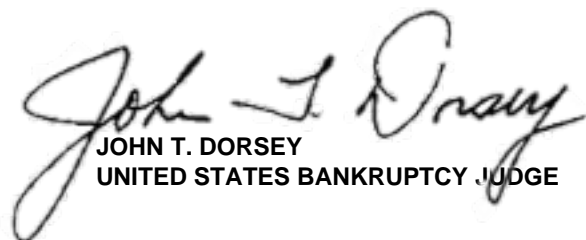
IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as provided therein.
2. The Court finds that the list in **Exhibit B** to the Trustee's Motion is the updated all-inclusive list of Qualified Opioids under the MNK PI Trust Non-NAS PI TDP.
3. The Court finds that Section 5.3(a)(ii) of the TDP provides, for the Tier 1 Level A Payment, "a PI Claimant must meet the criteria of the Tier 1 Base Payment and demonstrate death caused by an opioid. If making a claim for a Tier 1 Level A Award based on death, the death certificate of the Decedent as well as any toxicology reports or autopsy reports must be provided. The records do not have to coincide in time with the provided Qualifying Opioid use." [Emphasis added.] In applying this standard for claimant scoring, the Court hereby adopts and authorizes the following clarification to Section 5.3(a)(ii) of the TDP:

“. . . A PI Claimant must meet the criteria of the Tier 1 Base Payment and demonstrate death caused by an opioid. If making a claim for a Tier 1 Level A Award based on death, the death certificate of the Decedent must indicate that death is due to an opioid. Alternatively, if the death certificate does not list an opioid as the cause of death but the toxicology and/or autopsy report demonstrates a therapeutic dose of opioids was present in the body at the time of death (i.e. greater than trace amounts) and the cause of death was otherwise attributed to a drug or combination of drugs (e.g., if benzodiazepines or polysubstance are listed as the cause of death but the toxicology shows therapeutic amounts of opioids in the body) OR the toxicology reveals such a lethal dose of opioids there is a reasonable degree of medical probability that

opioids played a contributing role in the death regardless of the stated cause of death (or if no such cause is made), then the case qualifies for Tier 1 Level A. The manufacturer need not be listed on the death certificate, or toxicology or autopsy report. The *death* does not have to coincide in time with the provided Qualifying Opioid use.”

Dated: May 16th, 2023
Wilmington, Delaware


JOHN T. DORSEY
UNITED STATES BANKRUPTCY JUDGE