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IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

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IN RE: FLOAT-SINK LITIGATION — Hon. John A. Hutchison

---x — Civil Action No. 11-C-5000000

THIS DOCUMENT APPLIES TO ALL CASES

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ORDER APPOINTING ADMINISTRATOR OF
QUALIFIED SETTLEMENT FUND

On April 2, 2013, came Plaintiffs and Defendants (together "the Parties"), by counsel, and agreed to the appointment of a Fund Administrator to allocate and distribute to the Plaintiffs the proceeds of the settlement. Based on the representations of counsel, the Court finds:

1. Plaintiffs and Defendant, Preiser Scientific, Inc. ("Preiser") during the February 22, 2013, mediation of this matter, reached a settlement that encompassed all of the claims made or that could have been made by Plaintiffs against the Defendant Preiser before February 22, 2013, including physical bodily injury.

2. Plaintiffs and the remaining Employer Defendants, during mediation of this matter on December 12-13, 2012 and thereafter, reached a series of settlements between individual Plaintiffs and their respective Employer Defendants. The exact settlement amount is known for each of those claims. Those settlements were for the claims made or that could have been made by Plaintiffs against their respective Defendant employers before December 12, 2012, including physical bodily injury.

3. Plaintiffs have moved this Court to create the Float Sink Litigation Qualified Settlement Fund" ("the Fund"). The Fund will allocate and distribute monies to the Plaintiffs

and Plaintiffs' counsel after certain conditions are met, which will be set forth in subsequent Orders of the Court and the Releases to be used in this case.

4. Plaintiffs moved that the Fund should be a Qualified Settlement Fund within the meaning of Treasury Regulation Section 1.468B-1 and pursuant to this Court's subject matter jurisdiction under Treasury Regulation Section1.468B1(c)(1). The entirety of all settlement amounts agreed upon by and between Plaintiffs and the Defendants shall be paid into the Fund within no more than thirty (30) days of the entry of a final Order approving settlement or sooner as may be set forth in settlement agreements by and among the Parties.

5. Plaintiffs moved this Court to appoint A. Andrew MacQueen, III, Esquire, as the Fund Administrator.

6. Defendants have not participated in the selection process of the Fund Administrator.

7. Defendants have no objection to Mr. MacQueen being appointed as the Fund Administrator. Defendants shall not be responsible for the acts or the failure to act of the Fund Administrator in the execution of his required duties under the terms of the Qualified Settlement and Escrow Agreement.

8. The duties of the Fund Administrator shall include:

a. Responding to any written requests seeking procedural information with respect to this Settlement.

b. Regularly communicating to Plaintiffs' Counsel and Defendant's counsel any issues it believes may impact the Settlement process.

c. Sending out Correspondence provided for by the Order(s) of the Court. Sending a Second Correspondence within three (3) business days of receipt of a new address for those Plaintiffs whose initial Correspondence is returned as undeliverable. In the event the Administrator is unable to obtain a new address for those Plaintiffs whose Correspondence was returned, the Administrator shall forward a list of such persons to Plaintiffs' Counsel, with a copy to Defendant's Counsel.

d. Directing the preparation of checks for each Plaintiff who should be paid pursuant to the terms of the Settlement Agreement.

e. Making and deciding upon the calculation of the actual payment to a Plaintiff and resolving any objections the Plaintiff may assert to such amount. And to report that to Plaintiffs' Counsel and Defendant's counsel upon the Fund Administrator's decision which is intended by the Parties to be the final and binding calculation.

f. Working with Plaintiffs' Counsel to provide to Defendant's counsel updates on at least a monthly basis concerning resolution of the any applicable lien waivers received from Medicare or Medicaid.

g. Immediately notifying Plaintiffs' Counsel and Defendant's counsel of anything unusual.

h. Reviewing the Releases for full signatures and no alterations upon their receipt from Plaintiffs and to provide a copy of each by .pdf and United States mail to Plaintiffs' Counsel and Defendant's Counsel.

i. Other duties as are reasonably called for in order to perform its enumerated obligations hereunder and/or as directed jointly by Plaintiffs and Defendant.

j. Other duties not inconsistent with the terms hereof as directed by the Court.

9. The Fund Administrator shall maintain the Fund at all times such that it satisfies the requirements of Treasury Regulation section 1.468B-1,*et seq.* and in conformance with the Escrow Agreement.

10. The Fund Administrator shall not authorize any distribution of income or principal from the Fund except as authorized by Order of this Court and in conformance with the Escrow Agreement. No other person or entity is permitted to authorize or make any withdrawals from the Fund.

11. The Fund Administrator will obtain a Federal Taxpayer Identification Number for the Fund upon the execution of this order by the Court establishing the Fund.

12. The Fund Administrator will submit personally to the jurisdiction of this Court.

13. Mr. MacQueen hereby is APPOINTED as the Fund Administrator (the "Fund Administrator") of the Float Sink Litigation Qualified Settlement Fund established by order of this Court on May 2, 2013 (TID 52112551). Upon Mr. MacQueen's inability or unwillingness to act, this appointment shall terminate and Plaintiffs' counsel shall seek Court approval of their nominated successor Fund Administrator.

14. Plaintiffs moved this Court to have the Fund be held in escrow at City National Bank. Said financial institution shall be responsible for any and all investment-related decisions, following the Fund Administrator's investment policy for fiduciaries in conformance with the Escrow Agreement.

Therefore, it is **ORDERED** that A. Andrew MacQueen III is appointed the Fund Administrator.

It is further **ORDERED** that Plaintiffs and Defendants shall submit an order for Court approval setting forth the terms of the Qualified Settlement Fund.

ENTERED *nunc pro tunc* to April 2, 2013.

/s/ John A. Hutchison
Lead Presiding Judge
Float-Sink Litigation