

EXHIBIT B: TERM SHEET

6/14/2023 TERM SHEET OF SETTLEMENT BETWEEN MDL 2804 PLAINTIFFS' EXECUTIVE COMMITTEE AND MASTERS PHARMACEUTICALS AND ITS INSURER CHUBB

After the payment of the special master fees and the legal fees owed to Flaherty et al, there remains \$4,039,547.49 in Chubb policy limits. There will be no further payment from the policy limits except as follows:

- a. 100k holdback for "wrap up" fees. Unused balance paid to plaintiffs 60 days after dismissals and/or releases obtained from all litigating plaintiffs on the Flaherty created list. Chubb will pay the holdback to the trust account of Garvey Shearer Nordstrom PSC.
- b. 200k holdback for defense fees and/or settlement payment to new litigating cases with the holdback terminating 60 days after dismissals and/or releases obtained from all litigating plaintiffs on the Flaherty created list or 1/31/2024 whichever date is later. Unpaid balance paid to plaintiffs on that list when that occurs. Chubb will pay the holdback to the trust account of Garvey Shearer Nordstrom PSC.
- c. 400k payable to Acuity.
- d. Balance of policy limits to the plaintiffs on the Flaherty created list (some plaintiffs in zero market share jurisdictions will receive no allocated payment but will dismiss cases with prejudice). The PEC will obtain releases and/or dismissals with prejudice of all cases on the list. The settlement is conditioned upon 100% participation and/or dismissals.
- e. All cases against Masters will be stayed until the final payments are made.
- f. PEC will handle all allocations of settlement proceeds to plaintiffs. Chubb will pay funds into the PEC liaison counsel's IOLTA account after all releases and/or dismissals have been obtained.
- g. PEC liaison counsel will direct the payment of 7.5% common benefit assessment per Order 4428 from the Chubb funds deposited into the IOLTA account.
- h. This settlement is subject to finalization of participation agreements and/or releases, and dismissal entries with prejudice.



Peter H. Weinberger
Liaison counsel, PEC



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