

**FREQUENTLY ASKED QUESTIONS  
VIOXX SETTLEMENT PROGRAM**

**IV. CAP 2008-1 REQUIRED REPRESENTATIVE CLAIMANT DOCUMENTATION**

<b>RC-1.</b>	<b>What is CAP 2008-1?</b> CAP 2008-1 refers to Claims Administration Procedure 2008-1. The Procedure applies to any Claim submitted in the Program on behalf of a Vioxx User Claimant or Derivative Claimant who is Deceased. It defines what is needed as proof of authority for someone to act on such a Claim to move through the Settlement Program. Additional information can be found on the settlement website, <a href="http://www.browngreer.com/vioxxsettlement">www.browngreer.com/vioxxsettlement</a> , under the Deceased Claimants section.
<b>RC-2.</b>	<b>Can I use CAP 2008-1 for a Deceased Derivative Claimant?</b> Yes. Form V2031DC can be filled out for a Deceased Derivative Claimant if proof of representative capacity has not been accepted by Merck for the person acting for a Deceased Derivative Claimant. For additional information regarding Derivative Claimants and representative capacity, refer to CAP 2008-1 (Amended) on the settlement website, <a href="http://www.browngreer.com/vioxxsettlement">www.browngreer.com/vioxxsettlement</a> , under the Deceased Claimants section.
<b>RC-3.</b>	<b>I have a Claim with Deficiencies that relate to representative documentation. However, neither the Claimant nor the Derivative Claimant is Deceased. Can I still use CAP 2008-1?</b> No. CAP 2008-1 only applies to Claimants and Derivative Claimants who are Deceased. If the Claimant or Derivative Claimant is incompetent or a minor pursuant to the law of the applicable jurisdiction, refer to CAP 2008-8 on the settlement website, <a href="http://www.browngreer.com/vioxxsettlement">www.browngreer.com/vioxxsettlement</a> . If the Claimant or Derivative Claimant is not Deceased and is not incompetent or a minor, the Claimant or Derivative must execute the Release.
<b>RC-4.</b>	<b>What is the difference between Form V2031 and Form V2031DC?</b> Form V2031 is for a Deceased Vioxx User Claimant. Form V2031DC is for a Deceased Derivative Claimant. If you have a question regarding which Form should be used, refer to CAP 2008-1 (Amended) at the settlement website, <a href="http://www.browngreer.com/vioxxsettlement">www.browngreer.com/vioxxsettlement</a> , under the Deceased Claimants section.
<b>RC-5.</b>	<b>There is a CAP 2008-1 Release in the list of Form Links for my Claimant. Do I need to have this Release executed?</b> The CAP 2008-1 Release applies only to Form V2031 for compliance with CAP 2008-1, so you only need to have it signed if you want to use CAP 2008-1 for the Deceased Vioxx User Claimant.
<b>RC-6.</b>	<b>I submitted a V2031 or a V2031DC Form. Why are there still Deficiencies for representative documentation?</b> These Deficiencies will remain on the portal until Representative Documentation is provided and accepted by Merck or until Payment is made on the Claim if eligible under CAP 2008-1. Compliance with CAP 2008-1 allows a Claim to proceed through the Claims Process so that a firm can know whether the Claimant passes Gates review and how many Points will be awarded if the Claim is found payable, as well as be paid if the Point Award is below certain levels before spending the time and expense to have a representative appointed.
<b>RC-7.</b>	<b>I have completed all of the requirements to be compliant with CAP 2008-1. Why do I still have Deficiencies on the Original Release?</b> The CAP 2008-1 Release applies only to Form V2031 and Form V2031DC for compliance with CAP 2008-1. Any Deficiencies on the Original Release are not satisfied by submitting a V2031 Form or completing a CAP 2008-1 Release. Refer to the Cure Action required for the specific Deficiency as posted on your secure Vioxx Portal.

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<b>RC-8.</b>	<b>I submitted a copy of the will with Form V2031 or Form V2031DC. Why do I still have to send in additional proof of representative capacity?</b> A will is sufficient under CAP 2008-1 to go through the Claims Review Process, but is not enough to show the authority of the representative to act to in a representative capacity for the Claimant. To prove representative capacity, you must submit documentation supporting this authority, which generally requires a document showing that a court with jurisdiction appointed the Representative Claimant to act.
<b>RC-9.</b>	<b>The Original Release has Deficiencies that require signatures by Deceased Derivative Claimants. Can I submit a CAP 2008-1 Release to cure those Deficiencies?</b> No. If Merck has identified a missing signature of a Derivative Claimant, the Derivative Claimant must either sign the Original Release on the applicable page or file a stipulation of dismissal with prejudice as a Derivative Claimant with a pending lawsuit. You can use CAP 2008-1 to keep the Claim moving while this documentation is being obtained.
<b>RC-10.</b>	<b>If we have already appointed a trustee, administrator, or executor for the Deceased Vioxx User Claimant or Derivative Claimant, do we still need to fill out the V2031 or V2031DC Form?</b> If you have provided representative capacity documentation that has been reviewed and accepted by Merck, Form V2031 and V2031DC are not required. However, if the proof of representative capacity has not been submitted or has been submitted and was found deficient by Merck, Form V2031 or V2031DC, and a Release signed by the proper individual(s), are required for the Claim to proceed through the Claims Process.
<b>RC-11.</b>	<b>If the Deceased Vioxx User Claimant or Deceased Derivative Claimant does not yet have an appointed trustee, administrator, or executor, what procedure should we follow to get one appointed?</b> You need to follow the applicable state’s law concerning the proper representative to pursue a Claim for damages for injuries to a Vioxx User before death, or a Claim for wrongful death where the death is asserted to have resulted from Vioxx use. Form V2031 or Form V2031DC can be submitted for the Claim to proceed through the Claims Process.
<b>RC-12.</b>	<b>If I am Compliant with CAP 2008-1, can I find out the Points Award on the Claim?</b> Yes. CAP 2008-1 allows a Claimant to receive a Notice of Points Award on the Claim before having to open an estate. In addition, Compliance with CAP 2008-1 will allow some Claims to be paid without an estate ever being open.
<b>RC-13.</b>	<b>What does it mean to be CAP 2008-1 Compliant?</b> To be Compliant with CAP 2008-1, you must submit a completed and signed Form V2031 or Form V2031DC, a copy of the Will for a Testate Claimant or Derivative Claimant, and a Release executed by the Surviving Spouse and the Designated Representative or the Surviving Spouse or Estate Successors, depending on whether the Claimant or Derivative Claimant is Testate or Intestate. Refer to CAP 2008-1 on the settlement website, <a href="http://www.browngreer.com/vioxxsettlement">www.browngreer.com/vioxxsettlement</a> , for more information on the signatures required for Testate and Intestate Claimants and Derivative Claimants.
<b>RC-14.</b>	<b>I have a Claim with multiple Deceased individuals and one is CAP 2008-1 Compliant. Is that enough for the Claim to move through the Claims process?</b> If you have a Deceased Claimant and at least one Deceased Derivative Claimant, or if the Claimant is not Deceased and there are multiple Deceased Derivative Claimants, all Deceased individuals must be CAP 2008-1 Compliant for the overall Claim to be considered CAP 2008-1. The Claim will not continue to move through the Claims process until all Deceased individuals are considered CAP 2008-1 Compliant.

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<b>RC-15.</b>	<b>I have a Claim that is Compliant with CAP 2008-1. Can I receive payment for the Claim without having to open an estate and get a representative appointed?</b> If the Final Points Award on the Claim is below 25 Points for a Testate Claimant, or below 15 Points for an Intestate Claimant, the Claims Administrator will issue Payment in accordance with CAP 2008-1. If the Final Points Award on the Claim is 25 Points or more for a Testate Claimant, or 15 Points or more for an Intestate Claimant, an Appointed Representative is required before Payment can be made on the Claim. For more information regarding when Payment can be made, refer to CAP 2008-1 (Amended) at the settlement website, <a href="http://www.browngreer.com/vioxxsettlement">www.browngreer.com/vioxxsettlement</a> , under the Deceased Claimants section.
<b>RC-16.</b>	<b>I have a Claim involving a Deceased Claimant and a Deceased Derivative Claimant. Both are Compliant with CAP 2008-1, but one is Testate and the other is Intestate. Which status will be used to determine if a Payment can be issued?</b> If the Claim involves a Deceased Vioxx User Claimant and a Deceased Derivative Claimant, the Testate or Intestate status of the Deceased Vioxx User Claimant governs for purposes of calculating the Points Award level on the Claim and whether an Appointed Representative is required before Payment is made on the Claim.
<b>RC-17.</b>	<b>I have a Claim involving multiple Deceased Derivatives, but the Vioxx User Claimant is not Deceased. One of the Derivatives is Testate, and the other Derivative is Intestate. Which status will be used to determine if a Payment can be issued?</b> If the Vioxx User Claimant is not Deceased, there is more than one Deceased Derivative Claimant, and at least one of the Derivative Claimants is Intestate, the Claim will be considered as an Intestate Claim for purposes of calculating the Points Award level on the Claim and whether an Appointed Representative is required before Payment is made on the Claim.
<b>RC-18.</b>	<b>I have a Claim that is Compliant with CAP 2008-1 and is eligible to have Payment issued per the provisions of CAP 2008-1. Which name(s) will appear on the check when the Payment is issued?</b> If the Claim is CAP 2008-1 Compliant and the Final Points Award is below 25 Points for a Testate Claimant, the Claims Administrator will issue Payment on the Claim in the name of the Designated Representative, the Surviving Spouse of the Claimant and/or Derivative Claimant (if different from the Designated Representative), and the Primary Counsel (if represented). If the Claim is CAP 2008-1 Compliant and the Final Points Award is below 15 Points for an Intestate Claimant, the Claims Administrator will issue Payment on the Claim in the name of the Surviving Spouse of the Claimant and/or Derivative Claimant or the Estate Successor(s) of the Claimant and/or Derivative Claimant, and the Primary Counsel (if represented).
<b>RC-19.</b>	<b>I have a Claim that is Compliant with CAP 2008-1 and is eligible to have Payment issued under the provisions of CAP 2008-1 guidelines. Do I need to submit any additional documentation to Merck or the Claims Administrator?</b> If the claim is eligible to receive Payment under CAP 2008-1 guidelines, Primary Counsel on the claim or the person(s) receiving such funds on an unrepresented claim must sign an acknowledgment recognizing their duty to comply with applicable state law regarding the distribution of such funds to the proper beneficiaries and heirs and to any other parties, such as creditors, with any rights to receive any portion of the payment. These Forms, the Primary Counsel Acknowledgment of Obligations Regarding Payment Distribution (Form V2079) and the Pro Se Claimant Acknowledgment of Obligations Regarding Payment Distribution (Form V2080) will be made available before payment is made as follows.

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1. Form V2079 – Primary Counsel Acknowledgment of Obligations Regarding Payment Distribution. After a CAP 2008-1 Compliant Claimant has accepted a Notice of Points Award and is otherwise eligible for payment, the V2079 will be available on the Primary Counsel’s Secure Web Portal. To locate the Form, select “Claims” on the Home screen, which will take you to the Claims Main Page. Once there, select “Claims Activity Details.” You may then either select a specified VCN or search for Event Type, “V2079 Acknowledgment Form.” Choose the applicable VCN, and you will then be taken to the Claimant Event Details page. Double click on the V2079 Form that is listed among the Events, and a pre-filled version of the Form will appear. Review the Form carefully. When you are ready to agree to its contents, you may insert an electronic signature by typing your name into the box beside the one labeled “Type in Name as Signature.” After you type your name, click the “Accept” button to the right. You will then be prompted to “Agree” or “Disagree” with the terms of the electronic signature. If you click “Agree,” the electronic signature will be transmitted to the Claims Administrator and will have the same enforceability as an original signature. You will not need to submit an original, signed, form to the Claims Administrator.
2. Form V2080 – Pro Se Claimant Acknowledgment of Obligations Regarding Payment Distribution. After a Pro Se CAP 2008-1 Compliant Claimant has accepted a Notice of Points Award and is otherwise eligible for payment, the Claims Administrator will mail a V2080 Form to the Claimant with specific instructions on how to complete it and submit it to the Claims Administrator. The claim cannot be paid until the Claims Administrator receives the fully completed and signed V2080 Form.