

# **CLAIMS ADMINISTRATOR**

## **COURT REPORT NO. 17**

**April 29, 2009**

## **ENROLLMENT DEFICIENCIES DEADLINE**

- 1) 3/6/09 Deadline to cure Release and Stipulation Defects.**
- 2) Six Motions filed by Merck for 880 claimants to Show Cause why the documents are not complete; heard on 4/15/09 with further hearing set for 4/28/09.**
- 3) Two additional Motions filed 4/21/09 as to uncured defects for 180 claimants; set for hearing 5/8/09.**
- 4) Claimants are removed from the Motions as cures are received and accepted.**

**SUMMARY OF RELEASE DEFICIENCIES**  
(As of 4/28/09)

	<b>Status</b>	<b>Represented</b>	<b>Pro Se</b>	<b>Total</b>
<b>1.</b>	<b>Claimants with Release Deficiencies</b>	<b>2,287</b>	<b>55</b>	<b>2,342</b>
<b>2.</b>	<b>Claimants with Only Estate Deficiencies and Compliant with CAP 2008-1</b>	<b>1,724</b>	<b>28</b>	<b>1,752</b>
<b>3.</b>	<b>Net Claimants with Release Deficiencies</b>	<b>563</b>	<b>27</b>	<b>590</b>
<b>4.</b>	<b>Claimants with Only Estate Deficiencies and Not Compliant with CAP 2008-1</b>	<b>142</b>	<b>0</b>	<b>142</b>
<b>5.</b>	<b>Claimants with Non-Estate Deficiencies</b>	<b>421</b>	<b>27</b>	<b>448</b>

## EXTRAORDINARY INJURY FUNDS

**MI EI PAYMENTS  
\$195,000,000**

**IS EI PAYMENTS  
\$105,000,000**

## **EXTRAORDINARY INJURY PROGRAM**

- 1) Program announced on 3/2/09 by email blast to Primary Counsel and letters to *Pro Se* Claimants.**
- 2) Deadline to submit EI Claims moved from 6/1/09 to 9/1/09; announced on 4/14/09.**
- 3) EI Claim Form *and* Required Documentation due by 9/1/09.**
- 4) Primary Counsel and *Pro Se* Claimants Instruction Manual on the Extraordinary Injury Program.**

## EXTRAORDINARY INJURY CLAIMS

(As of 4/28/09)

	Status	Total	Represented	Pro Se
1.	<b>EI Claim Form Started On-Line But Not Yet Submitted</b>	<b>9</b>	<b>9</b>	<b>0</b>
2.	<b>Pro Se EI Claim Form Requested But Not Yet Submitted</b>	<b>127</b>	<b>0</b>	<b>127</b>
3.	<b>EI Claim Form Submitted:</b>	<b>35</b>	<b>17</b>	<b>18</b>
4.	<b>Fails Basic Eligibility</b>	<b>18</b>	<b>1</b>	<b>17</b>
5.	<b>Passes Basic Eligibility</b>	<b>17</b>	<b>16</b>	<b>1</b>

**CLAIMS OVERVIEW****(As of 4/28/09)**

	<b>Claims Form Injury Assertion</b>	<b>#</b>	<b>%</b>
<b>1.</b>	<b>MI Claims</b>	<b>29,891</b>	<b>62%</b>
<b>2.</b>	<b>IS Claims</b>	<b>17,802</b>	<b>37%</b>
<b>3.</b>	<b>Claims Forms Not Asserting Injury Type</b>	<b>372</b>	<b>1%</b>
<b>4.</b>	<b>TOTAL</b>	<b>48,065</b>	<b>100%</b>

## MI GATES REVIEW STATUS

(As of 4/28/09)

	Status	Current	Since 3/26/09
1.	In Queue for Gates Review	213	-1,925
2.	Initial CA Review Complete/QC Pending	1,094	-2,842
3.	Gate Passes Eligible for Points Review	15,107	+2,439
4.	a. Notices of Ineligibility Issued	11,967	+3,065
	b. With Gate Committee-No Vote Yet	1,744	-394

**MI POINTS REVIEW STATUS**

**(As of 4/28/09)**

<b>1.</b>	<b>Paid August - April</b>	<b>10,003</b>
<b>2.</b>	<b>Claimants with Points Awards Outstanding</b>	<b>2,489</b>
	<b>a. Accepted (To be Paid in May)</b>	<b>1,492</b>
	<b>b. No Decision--Eligible for May Payment</b>	<b>532</b>
	<b>c. Appealed or Special Review</b>	<b>465</b>
<b>3.</b>	<b>QC Completed but Notice Cannot Issue</b>	<b>348</b>
<b>4.</b>	<b>Pending QC</b>	<b>360</b>
<b>5.</b>	<b>Claims Incomplete for Points Review</b>	<b>818</b>
<b>6.</b>	<b>Initial Points Review Underway</b>	<b>243</b>
<b>7.</b>	<b>Initial Points Review Pending</b>	<b>851</b>

## MI REVIEW PROJECTIONS

<b>1.</b>	<b>Total MI Claims</b>	<b>29,891</b>
<b>2.</b>	<b>CA and Gate Committee Estimated Combined Pass Rate</b>	<b>70%</b>
<b>3.</b>	<b>Resulting Total of Passing MI Claims</b>	<b>20,924</b>
<b>4.</b>	<b>Less Number Paid August – April</b>	<b>10,003</b>
<b>5.</b>	<b>Less Number Potentially Paid in May</b>	<b>2,024</b>
<b>6.</b>	<b>Remaining MI Claims to Review 5/09 – 8/09</b>	<b>8,897</b>
<b>7.</b>	<b>Monthly Average to Advance to Points Award</b>	<b>2,224</b>
<b>8.</b>	<b>Additional Claims with Points Awards Who Appeal (15%) and Elect Special Review (. 7%)</b>	<b>349</b>
<b>9.</b>	<b>Average Claims to Advance to Points Award Monthly</b>	<b>2,573</b>

## MI INJURY LEVEL SUMMARY

(As of 4/28/09)

	INJURY LEVEL	AVERAGE POINTS
1.	Level 1	219.51
2.	Level 2	194.32
3.	Level 3	144.85
4.	Level 4	98.82
5.	Level 5	83.26
6.	Level 6	53.68
7.	Special Marker %	5.32%

<b>SUMMARY OF MI PAYMENTS</b>			
	<b>Payment Category</b>	<b># Claimants</b>	<b>\$</b>
<b>1.</b>	<b>Paid through April</b>	<b>10,003</b>	<b>\$854,711,975</b>
<b>2.</b>	<b>Pending May Payments</b>	<b>1,492</b>	<b>\$121,144,947</b>
<b>3.</b>	<b>Potential May Payments</b>	<b>532</b>	<b>\$40,422,800</b>
<b>4.</b>	<b>Total Potential May Payments</b>	<b>2,024</b>	<b>\$161,567,747</b>
<b>5.</b>	<b>Possible Total Payments through May</b>	<b>12,027</b>	<b>\$1,016,279,723</b>

## STROKE GATES REVIEW STATUS

(As of 4/28/09)

	Status	Current	Since 3/26/09
1.	In Queue for Gates Review	3,156	-917
2.	Initial Review Complete/QC Pending	7,977	+910
3.	Gate Passes Eligible for Points Review	4,567	+676
4.	a. CA Notices of Ineligibility Issued	1,692	+376
	b. With Gate Committee-No Vote Yet	420	-823

**STROKE POINTS REVIEW STATUS**

**(As of 4/28/09)**

<b>1.</b>	<b>Paid February -April</b>	<b>868</b>
<b>2.</b>	<b>Claimants with Points Awards Outstanding</b>	<b>696</b>
	<b>a. Accepted (To be Paid in May)</b>	<b>398</b>
	<b>b. No Decision--Eligible for May Payment</b>	<b>200</b>
	<b>c. Appealed or Special Review</b>	<b>98</b>
<b>3.</b>	<b>QC Completed but Notice Cannot Issue</b>	<b>337</b>
<b>4.</b>	<b>Pending QC</b>	<b>1,710</b>
<b>5.</b>	<b>Claims Incomplete for Points Review</b>	<b>113</b>
<b>6.</b>	<b>Initial Points Review Underway</b>	<b>310</b>
<b>7.</b>	<b>Initial Points Review Pending</b>	<b>533</b>

## SUMMARY OF ISCHEMIC STROKE PAYMENTS

	Payment Category	# Claimants	\$
1.	Paid through April	868	\$26,356,426
2.	Pending May Payments	398	\$12,498,123
3.	Potential May Payments	200	\$4,980,874
4.	Total Potential May Payments	598	\$17,478,997
5.	Possible Total Payments through May	1,466	\$43,835,422

**ISCHEMIC STROKE INJURY LEVEL  
SUMMARY  
(As of 4/28/09)**

	<b>INJURY LEVEL</b>	<b>AVERAGE POINTS</b>
<b>1.</b>	<b>Level 1</b>	<b>79.60</b>
<b>2.</b>	<b>Level 2</b>	<b>71.59</b>
<b>3.</b>	<b>Level 3</b>	<b>72.95</b>
<b>4.</b>	<b>Level 4</b>	<b>41.82</b>
<b>5.</b>	<b>Level 5</b>	<b>35.92</b>
<b>6.</b>	<b>Special Marker %</b>	<b>6.66%</b>

**GATE COMMITTEE ACTIVITY: ALL CLAIMS****(As of 4/28/09)**

	<b>Status</b>	<b># Claims</b>
<b>1.</b>	<b>Decided by GC</b>	<b>16,399</b>
<b>2.</b>	<b>Pending with GC</b>	<b>2,530</b>
<b>3.</b>	<b>Pending with GC &gt; 60 Days</b>	<b>165</b>
<b>4.</b>	<b>Pending with GC &lt; 7 Days</b>	<b>2,196</b>
<b>5.</b>	<b>Weekly Average Votes By GC Since 2/2/09</b>	<b>~ 1,026/week</b>