

# **CLAIMS ADMINISTRATOR**

## **COURT REPORT NO. 9**

**August 20, 2008**

## CLAIMANTS SUBMITTED FOR REGISTRATION

(As of 8/18/08)

		BY 1/15/08	AFTER 1/15/08	TOTALS
1.	Primary Counsel	57,225 (827 firms)	1,279 (223 new firms)	58,504 (1,050 firms)
2.	<i>Pro Ses</i>	326	469	795
3.	TOTALS	57,551	1,748	59,299 +47
4.	Less Ineligibles	49,145	809	49,954

## CLAIMANTS SUBMITTED FOR ENROLLMENT

(As of 8/18/08)

<b>1.</b>	<b>Primary Counsel</b>	<b>51,735</b>
<b>2.</b>	<b>Pro Se Claimants</b>	<b>612</b>
<b>3.</b>	<b>TOTAL</b>	<b>52,347</b>
<b>4.</b>	<b>Less Ineligible Claimants</b>	<b>3,783</b>
<b>5.</b>	<b>NET TOTAL SUBMITTED FOR ENROLLMENT</b>	<b>48,564</b> <b>+14</b>
<b>6.</b>	<b>Percentage of the Eligible Registrants Enrolled</b>	<b>97%</b>

## ENROLLMENT DOCUMENTS PROCESSING

- 1) Completeness Reviews under agreed Completeness Criteria**
- 2) Notice Postings to Vioxx Portals for Primary Counsel and Letters to *Pro Se* Claimants**
- 3) Cure Actions submitted for Claimants → reviewed → additional postings to firms**

## CLAIMS MATERIALS RECEIVED

(As of 8/19/08)

<b>1.</b>	<b>Claims Packages Received and Coded</b>	<b>34,959</b>
<b>2.</b>	<b>Received, Not Yet Coded</b>	<b>253</b>
<b>3.</b>	<b>Claims Forms Only</b>	<b>3,219</b>
<b>4.</b>	<b>Received and Coded: Materials Do Not Constitute Claims Package</b>	<b>6,258</b>
<b>5.</b>	<b>TOTAL CLAIMS MATERIALS</b>	<b>44,689</b>
<b>6.</b>	<b>Claims Material Documents Received</b>	<b>458,218</b> >30 million pages
<b>7.</b>	<b>Firms Submitting Materials</b>	<b>871</b>
<b>8.</b>	<b>Pro Se Claimants Submitting Materials</b>	<b>277</b>

**CLAIMS REVIEW STATUS**  
**(As of 8/19/08)**

<b>1.</b>	<b>Claims Packages with Claims Forms</b>	<b>34,959</b>
<b>2.</b>	<b>In Queue for Gates Review</b>	<b>23,595</b>
<b>3.</b>	<b>In Gates Review Process</b>	<b>7,923</b>
<b>4.</b>	<b>In Points Review Process</b>	<b>3,441</b>

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## Claims Main Page

This page is your portal into the Claims Process. Your current options are:

### [1. Place or Remove Holds on Review of Claims](#)

(Use this to select claims you want the Claims Administrator to hold for Gates and/or Points Review pending receipt and submission of additional records, to remove holds you previously placed on claims, or to tell the Claims Administrator to move forward with the reviews of your claim. You do not need to do anything if you have submitted a complete claims package, because the Claims Administrator will automatically proceed with reviews of your claim within 14 days after the claim appears on this page.)

### [2. Claims Status](#)

(Use this feature to determine the current claims review status for all Enrolled Program Claimants. You will be able to search by VCN, name or a specific Claims Status (i.e., CA Review Pending, Claims Material Received, No Claims Material Submitted, etc.). This communications portal will be how the Claims Administrator notifies you of any action and/or deadlines involving your claimants through the claims review process. You will receive periodic e-mails from the Claims Administrator identifying the VCN and name of any claimants who have a posted notice on the web portal.)

### [3. Claims Event History Log](#)

(Use this feature to identify which claimants were the subject of the periodic e-mails from the Claims Administrator indicating that certain VCNs had received a Notice or had changed Claims Review statuses. You can search by date of the e-mail notifications or the types of Notices or events.)

### [4. Vioxx Pill Count Calculator](#)

### [5. Certification Template for Pre-11/9/07 Record Requests](#)

### [6. Information about Resolving Governmental Medical Liens for the Vioxx Settlement Program](#)

(Attached above is a link to the document titled *Claimant Education Materials on Government Medical Liens/Obligations* that explains the role of the Lien Resolution Administrator and how it identified and settled all federal and state statutory lien reimbursement obligations. This document is referenced within the Notice of Points Award letters and must be reviewed by counsel and shared with all claimants. Under the terms of the Vioxx Settlement Program, any Vioxx-related federal or state statutory lien reimbursement obligations must be resolved in order for any settlement monies to be released. Section VII of the Notice of Points Awards issued to claimants identifies the state and federal liens that must be resolved (if any) and the amount of the claimant's reimbursement obligation that will be withheld from the settlement payments.)

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### Claims Review Status and Notifications Sent by the Claims Administrator

This section allows you to determine the current claims review status of a single claimant or group of claimants through the claims review process. Use the search features described below to identify your claimant(s). You will see a display of the current status for the claimant and its corresponding date. By selecting the hyperlink on the specific VCN number, you will see a chronological history of all Events for that particular claimant. This page is where the Claims Administrator will post all notices involving the claims review process such as Claims Administrator Notice of Eligibility, Claims Administrator Notice of Ineligibility, Notice of Points Awards, Deficiency Notices, etc. You will be able to print a copy of these Notices for your records. They also will remain posted and will be accessible to you at any time.

To see the current claims statuses, execute one of the Search types below. Use Specific Claimant Search to search for Claimants by VCN or Last Name. To move to a portion of your Claimant list by alphabetical order, you may search by the first letter of a Last Name. For example, a search for "S" will take you to the first Last Name beginning with "S". Click Search All to display all your Claimants. Select a particular type of "Claims Status" if you want to see all VCNs that have that current claims review status. You can also search for a particular type of notice from the Claims Administrator and all VCNs with that current type of notice will display.

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Specific search       Search All

VCN :

Last Name :

Claims Status :

Search Results : 2 Records

<u>VCN</u>	<u>Claimant</u>	<u>Status</u>	<u>Post Date</u>
<a href="#">1002781</a>	Test, Jean	CA Notice of Eligibility	7/23/2008
<a href="#">1002534</a>	Tester, Sally	CA Notice of Eligibility	2/1/2008

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## Claimant Event Details

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VCN : 1002781  
Name : Test, Jean

Event	Event Date	
CA Notice of Eligibility	7/23/2008	<a href="#">View</a>

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Specific search       Search All

VCN :

Last Name :

Claims Status :

[Search](#)

Search Results : 6 Records

VCN	Claimant	Status	Post Date
<a href="#">1014718</a>	Test, Jerry	CA Notice of Ineligibility	7/28/2008
<a href="#">1002779</a>	Test, Margie	CA Notice of Ineligibility	7/23/2008
<a href="#">1002614</a>	Tester, Amanda	CA Notice of Ineligibility	7/8/2008
<a href="#">1108183</a>	Tester, Lilly	CA Notice of Ineligibility	7/28/2008
<a href="#">1002780</a>	Tester, Mary	CA Notice of Ineligibility	7/24/2008
<a href="#">1002778</a>	Tests, Jack	CA Notice of Ineligibility	7/23/2008

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## RESPONSE TO NOTICE OF INELIGIBILITY

The Claims Administrator has determined that this claim fails one or more of the Gates and does not meet the Eligibility Requirements for the Settlement Program. You may choose one of the three options below within **14 calendar days** of your receipt of the *Claims Administrator Notice of Ineligibility*. If you do nothing within 14 days, this claim will be sent automatically to the Gate Committee.

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VCN: 1002780

Claimant Name: Tester, Mary

### A. Required Action (Must select one)

- 1. I have no additional information to provide to the Claims Administrator. Send this Claim to the Gate Committee.
- 2. I need more time to gather additional information about my claim.
- 3. I have completed gathering all additional information about my claim, and I am submitting the following new records and information to the Claims Administrator for consideration. (Use the Upload button below to submit the new information. Do **not** send materials previously submitted with the Claims Package.)

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[<< Back to Claims](#) Specific search       Search AllVCN : Last Name : Claims Status : 

Search Results : 2 Records

<u>VCN</u>	<u>Claimant</u>	<u>Status</u>	<u>Post Date</u>
<a href="#">1101377</a>	Tester, John	Notice of Points Award	7/28/2008
<a href="#">1003167</a>	Tester, Teddy	Notice of Points Award	8/4/2008

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### Claimant Event Details

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VCN : 1101377  
Name : Tester, John

Event	Event Date	
<a href="#">Notice of Points Award</a>	7/28/2008	-

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### Acceptance or Appeal of Points Award

Claimant Name:	Tester, John
Law Firm:	Beasley, Allen, Crow, Methwin, Portis & Miles, P.C.
Injury Type:	MI
Date of Event:	8/2/2004
First Confirmed Vioxx Use:	7/23/2003

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This page provides you with four options regarding the Notice of Points Award under the Settlement Program that are explained below. Failure to select the Appeal option within 15 days from the posting of the Notice will be deemed an acceptance of the Award and the claim will be placed in line for payment, unless the Claims Administrator, Merck or the NPC audits the Points Award pursuant to Article 10 of the Settlement Agreement.

- 1. Accept the Points Award.** If you agree with this Points Award, select the "Accept Points Award. Will Not Appeal" button. Acceptance of this Points Award will place this claim in line for payment in accordance with all provisions of the Settlement Agreement.
- 2. Appeal the Points Award.** If you disagree with this Points Award, select the "Appeal" button. Selecting and submitting an appeal on the Claims Administrator's secure web-portal constitutes written notice under Section 3.2.4 of the Settlement Agreement. You must appeal within 15 days of the posting of this Notice, or the Points Award will be deemed accepted, final, and binding. If you appeal this Points Award, you must designate the issues you are appealing by selecting the specific factor(s) and then provide the reasons after clicking the "Appeal Reason" button next to the selected factor(s). You must provide comments for each factor you select, stating specifically why you disagree with the Claims Administrator's findings and giving information about which medical record(s) support your position.
- 3. Elect the Fixed Payment.** If the total Points award within the Notice is less than ten (10) points for a MI/SCD claim, then you have the right to elect to receive a fixed payment of \$5,000 by selecting the "Accept \$5,000 Fixed Payment" button. This must be done within 30 days of the posting of this Notice.
- 4. Elect Re-determination of the Medicare Global Resolution Category.** If you agree with the total Points, injury level and risk factors as contained in the Notice of Points Award, but you disagree with the Global Medicare Resolution Category as determined by the Lien Resolution Administrator, then select the "Elect Re-determination of the Medicare Global Resolution Category by the LRA" button. This must be selected within 15 days of posting of this Notice.

- Accept Points Award. Will Not Appeal.
- Appeal (Appeal Due Date : 8/12/2008).
- Accept \$5,000 Fixed Payment.
- Elect Re-determination of the Medicare Global Resolution Category by the LRA.

[Submit](#)

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### Acceptance or Appeal of Points Award

<b>Claimant Name:</b>	Tester, Catherine
<b>Law Firm:</b>	Test Law Firm of Maryland
<b>VCN:</b>	1003011
<b>Injury Type:</b>	MI
<b>Date of Event:</b>	5/12/2004
<b>First Confirmed Vioxx Use:</b>	6/23/2001

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Appeal		A. BASIS POINTS		
<input checked="" type="checkbox"/>	Injury Level		3	<a href="#">View</a>
<input type="checkbox"/>	Age at Event		64	<a href="#">Add</a>
<input type="checkbox"/>	Overall Duration		0-2M	<a href="#">Add</a>

Appeal		B. LABEL AND CONSISTENCY ADJUSTMENTS		
<input type="checkbox"/>	Label Adjustment		-15%	<a href="#">Add</a>
<input type="checkbox"/>	Consistency Adjustment		0%	<a href="#">Add</a>

C. RISK FACTOR ADJUSTMENTS					
Appeal	Risk Factors	Finding	Adjustment	Cumulative Points	Comments
<input type="checkbox"/>	Hypertension	Uncontrolled	0.300	156.19	<a href="#">Add</a>
<input type="checkbox"/>	Diabetes	Uncontrolled	0.300	109.33	<a href="#">Add</a>
<input type="checkbox"/>	Prior Diagnosed Vascular Disease	Carotid Stenosis	0.100	98.40	<a href="#">Add</a>
<input type="checkbox"/>	Smoking	Regular	0.300	68.88	<a href="#">Add</a>
<input type="checkbox"/>	Post-Eligible Event Smoking	Post-Eligible Event Smoking	0.200	55.10	<a href="#">Add</a>
<input type="checkbox"/>	Family History	Ambiguous	0.150	46.84	<a href="#">Add</a>

**Total Points: 45.06**

[Submit](#)