

CLAIMS ADMINISTRATOR

COURT REPORT NO. 23

December 3, 2009

STROKE GATES REVIEW STATUS

(As of 12/2/09)

	STATUS	CURRENT	SINCE 10/21/09
1.	In Queue for Gates Review	0	0
2.	New Documentation Submitted After CA Notice of Ineligibility Under Review	3	-306
3.	Gate Passes Eligible for Points Review	8,340	+625
4.	a. Notices of Ineligibility Issued	9,158	+308
	b. With Gate Committee-No Vote Yet	49	-676
5.	Total IS Claims in Gates/Points Process	17,545	

STROKE POINTS REVIEW STATUS

(As of 12/2/09)

1.	Paid Through November, 2009	3,827
2.	Claimants with Points Awards Outstanding	1,704
	a. Accepted (to be Paid in December)	924
	b. Potentially Eligible for December Payment	661
	c. Appealed or Special Review	119
3.	QC Completed but Notice Cannot Issue	124
4.	Pending QC	1,617
5.	Claims Incomplete for Points Review	739
6.	Initial Points Review Underway	57
7.	Initial Points Review Pending	272

**ISCHEMIC STROKE INJURY LEVEL
SUMMARY
(As of 12/2/09)**

	INJURY LEVEL	AVERAGE POINTS
1.	Level 1	68.83
2.	Level 2	103.40
3.	Level 3	77.06
4.	Level 4	44.61
5.	Level 5	30.81
6.	Special Marker %	6.74%

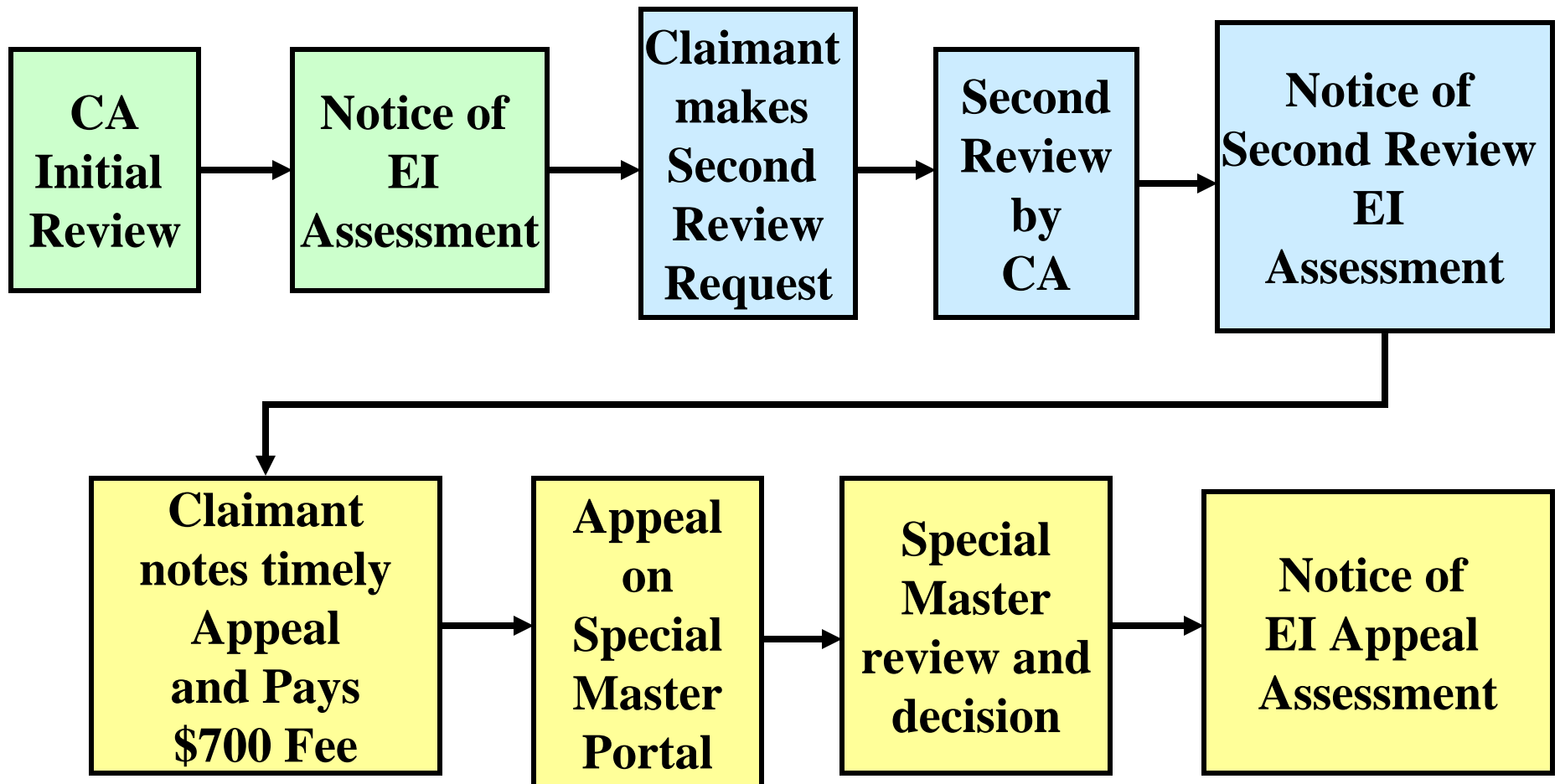
SUMMARY OF ISCHEMIC STROKE PAYMENTS

	PAYMENT CATEGORY	CLAIMANTS	AMOUNT
1.	Paid through November, 2009	3,827	\$116,130,723
2.	Pending December Payments	924	\$27,013,439
3.	Potential December Payments	661	\$15,652,042
4.	Total Potential December Payments	1,585	\$42,665,481
5.	Possible Total Payments through December	5,412	\$158,796,204

FINAL PAYMENTS FOR ISCHEMIC STROKE CLAIMS

- 1) Final IS Payments expected at the end of the first quarter of 2010.**
- 2) To ensure first quarter 2010 payments, all Claims Processing deadlines must be adhered to by claimants, Firms, and Claims Administrator.**

EI PROCESSING STEPS



(No new records allowed on appeal)

EI DEADLINES

	ACTION/DECISION NEEDED	DEADLINE
1.	Request for Explanation of Required Medical Expenses Information (<i>If deemed necessary by the CA to complete the EI Assessment</i>)	20 Days
2.	Notice of EI Assessment:	20 Days
	a. Accept or Request Second Review	
	b. Submit Documentation in support of Request for Second Review	
3.	Accept or Appeal Notice of Second Review EI Assessment	20 Days

STATUS OF EI SUBMISSIONS**(As of 12/2/09)**

	STATUS	TOTAL
1.	Total Claimants with EI Submissions	2,657
2.	EI Documentation Submitted but no EI Claim Form Submitted (<i>do not constitute an EI Claim</i>)	51
3.	Resulting EI Claims (<i>EI Claim Form submitted</i>)	2,606

EI CLAIMS ELIGIBLE FOR PROCESSING (As of 12/2/09)

	STATUS	TOTAL
1.	Total EI Claims (<i>EI Claim Form submitted</i>)	2,606
2.	EI Claims Withdrawn	2
3.	Notices of Ineligibility Issued:	154
	a. Failed Basic Eligibility on Principal Claim	36
	b. Untimely EI Claim Form	2
	c. EI Claim Form Submitted - No Required Documentation Submitted	116
4.	Total EI Claims Eligible for Processing	2,450

STATUS OF EI CLAIMS

(As of 12/2/09)

	STATUS	TOTAL
1.	Total EI Claims Eligible for Processing	2,450
2.	Claimants with Notice of EI Assessment:	139
	a. No Decision by Primary Counsel/Pro Se Claimant	136
	b. Accepted	0
	c. Second Review Requested	3
3.	Initial Review Complete and QC Complete	368
4.	Initial Review Complete and in QC	1,336
5.	In Initial Review	607

EI REVIEW CRITERIA MANUAL

REVIEW CRITERIA MANUAL FOR THE VIOXX
EXTRAORDINARY INJURY PROGRAM

DM100704
Published Version
12/1/09

VIOXX CLAIMS ADMINISTRATOR
BROWNGREER || PLC

EI REVIEW CRITERIA HIGHLIGHTS

1) **Relative Points Value Adjustment (RPV):**

$$\frac{\text{Points Award}}{1,000} \times \text{EI Amounts} = \text{EI Assessment}$$

2) **Social Security Administration Retirement Age: 65 – 67**

3) **If no presumption of Disability and no proof of Disability → Assume 50% Disability**

4) **Future Medical Expenses: 11/10/07 – 9/1/09**

5) **Standard Discount of 50% on Future Lost Wages/Income**

EI REVIEW CRITERIA HIGHLIGHTS

6) Special Medical Injury Claims:

- a) Ten Basic Principles**
- b) SMI cannot be an injury on the MI or IS
Injury Levels**
- c) Caused by MI or IS?**
- d) Severe injury?**
- e) Atypical injury?**
- f) Documented in the records?**

EI REVIEW CRITERIA HIGHLIGHTS

SMI VALUATION TIERS	
TIER 1	\$1,000,000
TIER 2	\$750,000
TIER 3	\$500,000
Subject to RPV Adjustment for each Claimant	