

VIOXX SETTLEMENT PROGRAM CLAIMS ADMINISTRATION PROCEDURE			
Procedure Number	2008-9	Effective Date	September 15, 2008
Subject	Procedure for Issuing MI Interim Settlement Payments		

1. Purpose of this Procedure. This Procedure defines the steps for issuing MI Interim Settlement Payments to Eligible Claimants.

2. Definitions and Section References. Any capitalized terms used in this Procedure and not expressly defined in this Procedure shall have the meanings given to them in the Settlement Agreement. References to Sections are to the sections of this Procedure, unless otherwise specified.

3. Manner of Payment. Unless otherwise requested by Primary Counsel or a *Pro Se* Claimant, MI Interim Settlement Payments to Eligible Claimants will be made by the Escrow Agent by check (“Checks”). Primary Counsel may request instead to receive payments for their Claimants by wire transfer (“Wires”) by submitting a completed Form V2048 *Election of Manner of Receipt of Claims Payment* (Exhibit A) to the Claims Administrator before any payments are issued to the firm.

4. Notice to the Escrow Agent of MI Interim Settlement Payments to be Paid.

- (a) On the third Business Day of each month, the Claims Administrator will identify the total dollar amount of all MI Interim Settlement Payables as a line-item on the Claims Administrator Payment Report issued to the Escrow Agent in accordance with Section 5.1.6 of the Settlement Agreement.
- (b) On the third Business Day of each month, the Claims Administrator will transmit to the Escrow Agent, through a posting on a secure website established and maintained by the Escrow Agent, an Excel spreadsheet identifying the names and amounts of all Eligible Claimants to whom an MI Interim Settlement Payment will be issued. The spreadsheet will identify the Claimant’s first and last name and VCN, any Executing Derivative Claimant(s), as well as the name and address of the Primary Counsel for the Claimant, if applicable. The spreadsheet will identify whether the Claimant payment is to be processed by the Escrow Agent by Wire, rather than by Check and if so, the wiring instructions provided by the Primary Counsel.

5. Issuance of MI Interim Settlement Payments by the Escrow Agent.

- (a) The Escrow Agent will access the spreadsheet posted by the Claims Administrator under Section 3(b) and will prepare a Pre-Check Selection Report displaying the data of the proposed Checks to be printed or the Wires to be issued. The Pre-Check Selection Report will be available for review by the Claims

Administrator on the secure website maintained by the Escrow Agent by no later than the 10th Business Day of each month. The Claims Administrator shall complete its review of the Pre-Check Selection Report by the 12th Business Day of each month.

- (b) If, by the end of the 15th Business Day of each month, Merck has issued no objections to Escrow Agent regarding the MI Settlement Payables listed on the Claims Administrator Payment Report for that month, and the Claims Administrator has identified no errors with Pre-Check Selection Report, the Escrow Agent shall issue the Checks and Wires on the 16th Business Day of the month. If a Primary Counsel is receiving Wires for more than one Claimant at a time, the Escrow Agent will aggregate the payments into one wire transfer.
- (c) The Escrow Agent will mail all Checks to the applicable Primary Counsel or Claimant by Overnight Mail. If more than one Check is being issued at the same time to Claimants represented by the same Primary Counsel, the Escrow Agent will consolidate the Checks into one package.
- (d) After it has issued the Checks/Wires, the Escrow Agent will add three data fields for each Claimant to the spreadsheet posted on the secure website: Check/Wire Issue Date; Check Number/Wire Number; and re-confirm payment amount.
- (e) The Escrow Agent will maintain records of each Claimant paid in any Wire transfer to a Primary Counsel and the amounts of such payments.

6. *Process for Handling Checks Returned as Undeliverable and Check Reissue Requests.*

- (a) The return address listed on the Checks will be that of the Claims Administrator, so that any Checks that are returned as undeliverable will be received and handled by the Claims Administrator.
- (b) For any Check returned as undeliverable, the Claims Administrator will perform a LEXIS/NEXIS name search for a *Pro Se* claimant and on-line searches for a Primary Counsel. If a different address is found, the Claims Administrator will send a letter to that address asking for confirmation of the address within 20 days. If a confirmation is received, the Claims Administrator will re-mail the Check to that address. If no different address is found or no confirmation is received, the Claims Administrator will hold the Check for 120 days from the date of issuance and will re-mail the check if contacted by a *Pro Se* Claimant or Primary Counsel during such period and provided with a correct address. At the expiration of such period, the Escrow Agent will cancel the Check.
- (c) At the expiration of the 120-day period after the date of issuance of a Check, the Escrow Agent will cancel the Check.

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- (d) If the Claims Administrator receives a request to reissue a Check for any reason, within the 120-day period after the date of issuance of a Check, the Claims Administrator will determine with the Escrow Agent whether such Check has been negotiated. If such Check has been negotiated, the Claims Administrator will so inform the Claimant and the Check will not be reissued. If such Check has not been negotiated, the Escrow Agent will stop payment on the prior Check and will reissue the Check on the Claim.
- (e) If the Claims Administrator is contacted by a *Pro Se* Claimant or Primary Counsel regarding a Check that was cancelled after not being cashed with 120 days from the date of issuance and if *Pro Se* Claimant or Primary Counsel demonstrate the applicability of the Excusable Neglect standards described in CAP 2008-3, the Claims Administrator will instruct the Escrow Agent to issue a replacement Check on the Claim.

7. *Check Templates.* The template used by Escrow Agent for the Checks will be in substantially the form attached to this Procedure as Exhibit B. The Checks shall be prepared as follows:

- (a) Each Primary Counsel will be instructed to fill out a Form V2048. Checks (except *Pro Se* Claimants) will be payable jointly to the Claimant, any Executing Derivative Claimant(s), and the Claimant's Primary Counsel, using the information provided on the Form V2048. Any payments issued to deceased Claimants will be made payable jointly to the deceased Claimant, any Executing Derivative Claimant(s), and the Primary Counsel, unless the Claims Administrator has been otherwise notified by the Primary Counsel.
- (b) Checks will be mailed to the Primary Counsel's address of record, based upon the information provided in the Form V2048 (except *Pro Se* Claimants).
- (c) Checks issued to *Pro Se* Claimants will be made payable solely to the Claimant and mailed to the address of record for the *Pro Se* Claimant.
- (d) Checks will include the Claimant's VCN number on the check memo line.
- (e) Checks will be signed by the Escrow Agent as the drawer of the Check.
- (f) Checks will be designated as void after 120 days.
- (g) Checks will include text on a tear-away check-stub, explaining the nature of the payment.

8. *Notice to Primary Counsel of MI Interim Settlement Payments.*

- (a) On the 16th Business Day of each month, the Claims Administrator shall send a report to each Primary Counsel firm that is receiving MI Interim Settlement

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Payments for Eligible Claimants that month. The report shall list the names of the Claimants, and any Executing Derivative Claimants being paid, and the corresponding payment amounts.

APPROVED:

By: Douglas R. Malvern Date: Sept. 16, 2008
Counsel for Merck

Name: DOUGLAS R. MALVERN

By: _____ Date: _____
NPC Representative

Name: _____

By: _____ Date: _____
Claims Administrator


Name: Orran L. Brown

Payments for Eligible Claimants that month. The report shall list the names of the Claimants, and any Executing Derivative Claimants being paid, and the corresponding payment amounts.

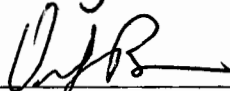
APPROVED:

By: _____ Date: _____
Counsel for Merck

Name: _____

By:  _____ Date: 9/16/08
NPC Representative

Name: Andy D. Birckfield, Jr

By:  _____ Date: 9/18/08
Claims Administrator

Name: Orran L. Brown

V2048	ELECTION OF MANNER OF RECEIPT OF CLAIMS PAYMENTS
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A. INSTRUCTIONS

Unless otherwise requested by Primary Counsel, all Settlement Payments to Eligible Claimants will be made by the Escrow Agent by check (“Checks”). Primary Counsel may request to receive payments on Claims by wire transfers (“Wires”) in lieu of hard copy Checks. No payments can be issued to a Primary Counsel until that Primary Counsel has completed, signed, and returned this Form to the Claims Administrator. You also must fill out and submit a W-9 Form for your firm before any payment can be sent to you. Contact your CA Contact if you need a W-9 Form or go to www.browngreer.com/vioxxsettlement and the FORMS section of that website to download a W-9 Form. The Election you make here will be used for all Claims Payments sent to you as Primary Counsel unless and until you (a) submit a replacement Form V2048 with a different election or (b) as to a particular claim, indicate when you inform the Claims Administrator of the acceptance of a Notice of Points Award that you direct the Payment on that particular Claim to a separate account or fund for the purpose of funding a structured settlement on the claim.

B. ELECTION TO RECEIVE PAYMENTS BY CHECK

Complete this section if you want to receive Payments on claims by mail in the form of checks payable to the Claimant and to the Primary Counsel indicated. The Escrow Agent, US Bank, will issue and send Checks to Primary Counsel by express mail. Checks will be made payable jointly in the name of the Vioxx User Claimant (even if deceased) and the Claimant’s Primary Counsel of record (e.g., Pay to the Order of: John Doe and ABC Law Firm). Provide the following information on how you wish the name and address of your law firm to appear on the Check as a joint payee.

Primary Counsel Name and Address to Appear on Checks	Law Firm			
	Street			
	City	State	Zip	Country

C. ELECTION TO RECEIVE PAYMENTS BY WIRE TRANSFER

Complete this section if you want to receive payments on claims by Wires directly from the Escrow Agent on all Claims on which you are Primary Counsel.

Bank Name to Which Wires Are to be Sent	Bank Name			
	Street			
	City	State	Zip	Country
Bank Telephone Number				
Bank ABA/ Routing Number				
Account Name				
Account Number				

D. CERTIFICATION BY PRIMARY COUNSEL

By my signature below, I represent and warrant, on behalf of the Primary Counsel firm identified below, that:

- (a) Primary Counsel will comply with all laws and ethical rules and obligations under applicable law as to any payment received in the Vioxx Settlement Program, including without limitation those regarding the handling and disposition of client funds;
- (b) The account or fund into which the proceeds of a Check will be placed or payments will be received in Wires is an appropriate escrow, trust or other such account required by applicable law and ethical rules for the receipt of client funds and/or the payment on the settlement of a claim;
- (c) For any claim involving a Deceased Vioxx User Claimant or deceased Derivative Claimant, Primary Counsel will comply with any provisions of the law applicable to the claim regarding the compromise and distribution of the proceeds of the settlement of a survival and/or wrongful death claim; and
- (d) Primary Counsel shall indemnify and hold harmless the Escrow Agent, the Claims Administrator, Merck, the Negotiating Plaintiffs' Committee and the Lien Administrator, and the agents and representatives of the foregoing, from any and all claims, demands, or expenses of any kind arising from any breach of the representations and warranties set forth in this Certification.

Signature			Date	_____/_____/_____ (month) (day) (year)
Printed Name	First	MI	Last	
Primary Counsel Firm Name				

Exhibit B

Vioxx MI Settlement Fund

c/o Claims Administrator
115 S. 15th Street, Suite 400
Richmond, VA 23219

ABC Law Firm
Main Street
Tampa, FL 33602

NOTICE OF MI INTERIM SETTLEMENT PAYMENT

You are receiving this check as an MI Interim Settlement Payment in accordance with the Vioxx Settlement Agreement dated November 9, 2007.

Any questions regarding this check should be directed to the Vioxx Claims Administrator.

Claims Administrator
c/o BrownGreer PLC
115 S. 15th Street, Suite 400
Richmond, Virginia 23285-5031
1-866-866-1729
claimsadmin@browngreer.com

Vioxx MI Settlement Fund

c/o Claims Administrator
115 S. 15th Street, Suite 400
Richmond, VA 23219

1000

US Bank
Location
XX-XXXX/XXX

DATE: 8/28/08

PAY: Fifty One Thousand Eight Hundred Seven Dollars and 55/100

AMOUNT: \$51,807.55

TO THE

ORDER OF: John Doe; Jane Doe and
ABC Law Firm
Main Street
Tampa, FL 33602

Void After 120 Days

VCN 1060007

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