

**FREQUENTLY ASKED QUESTIONS
VIOXX SETTLEMENT PROGRAM**

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A. General Questions.

E-A1.	<p>What is the 3/31/08 deadline, and is it the same as the Enrollment Deadline? The 3/31/08 Deadline determines which Claimants are “IP Enrolled” as opposed to “Enrolled” and is not the same as the Enrollment Deadline Date. Claimants who are IP Enrolled may receive the 40% Interim Payments being paid monthly now to Qualifying Program Claimants who are found eligible for payment on MI Claims (Interim Payments on IS Claims will not begin until March 2009). They will receive the balance of their payments after all claims have been evaluated and final payments are distributed. Claimants who are Enrolled but are not IP Enrolled cannot receive Interim Payments, but instead will receive their full payment after all claims have been evaluated and final payments are distributed. To be IP Enrolled, Claimants had to be submitted for Enrollment in a Claimant Spreadsheet on line and submit a Release to the Claims Administrator, on or before 3/31/08. These Claimants must have also, on or before 10/30/08, submitted a Stipulation of Dismissal (if the Claimant has a pending lawsuit), an Authorization for Release of Medical Records (“MA”), an Authorization for Release of Employment Records (“EA”) (if seeking EI Payments), and, if represented by counsel, a Certification of Final Enrollment from Primary Counsel, to be considered for an Interim Payment. The Enrollment Deadline Date was 10/30/08. The final Enrollment Deadline Date was 10/30/08. That means Claimants could continue to Enroll in the Program by submitting the required Enrollment documents until 10/30/08, but would not be considered for an Interim Payment if they did not Enroll and submit a Release by 3/31/08.</p>
E-A2.	<p>Can I still enroll my clients if I did not submit their Enrollment documents by 3/31/08? Claimants could still enroll after 3/31/08, but could not be considered for an Interim Payment. The final Enrollment Deadline Date was 10/30/08. This means that Claimants could continue to Enroll and submit their Enrollment documents until 10/30/08, but would not be considered for an Interim Payment if they did not Enroll and submit their Release by 3/31/08. Any Claimant who did not Enroll by the 10/30/08 Deadline but wants to Enroll can send the Claims Administrator his or her Enrollment Documents and should do so as soon as possible, along with a statement of why they were not sent by 10/30/08. The Claims Administrator will present them to the Parties for their consideration. The Claims Administrator cannot predict whether any of them will be accepted as timely.</p>
E-A3.	<p>I received Releases, Authorizations for Release of Medical Records and Authorizations for Employment Records (“Forms”) for clients I have who are not Eligible for the Settlement. Do I need to submit them? No. If you have determined that these clients are not Eligible for the Settlement, you should not submit their Forms.</p>
E-A4.	<p>If I Registered a client who I am not enrolling, should I delete him/her off of the Claimant Spreadsheet, or is there a better way to tell you that they are not enrolling? Do not delete a Claimant from the Claimant Spreadsheet. Instead, log on to your Vioxx Portal and click on Enrollment on the left side of the screen. Click on <u>3. Identify Claimant(s) Who Will Not Enroll</u>, select the Claimant who is not enrolling, pick the reason for not enrolling and click on the Submit button to update your Claimant Spreadsheet information. You can also answer “Will Not Enroll” to Question 37 in the Claimant Spreadsheet for that Claimant and submit the Claimant Spreadsheet to the Claims Administrator but you do not need to do both.</p>
E-A5.	<p>I have realized that I included a Claimant on the Claimant Spreadsheet that I now need to remove. How should I do that? The Registration Orders required Primary Counsel to identify all Vioxx Claimants. Thus you cannot remove any Claimant from your Claimant Spreadsheet. If</p>

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	<p>you feel there is a reason to remove a Claimant you submitted for Registration, contact your CA Contact at the Claims Administrator.</p>
<p>E-A6.</p>	<p>May I send in Enrollment Forms on a rolling basis, or do I have to wait until I have them for all of my clients? You do not need to wait until you have gathered Enrollment Materials for <i>all</i> of your Claimants before sending any to the Claims Administrator. However, it will make processing of the Forms more efficient if you gather all of the final, signed Enrollment Package document for each Claimant and send those in all together they are received.</p>
<p>E-A7.</p>	<p>What is the Enrollment Deadline Date? The Enrollment Deadline Date was 10/30/08. This was the final deadline for Enrolling in the Program. It was <i>not</i> the deadline for qualifying for an Interim Payment. The deadline to Enroll <i>and</i> qualify for an Interim Payment was 3/31/08. But Claimants could continue to Enroll in the Settlement Program by submitting the required Enrollment documents by 10/30/08. Claimants who Enrolled after 3/31/08, but on or before 10/30/08, will not be considered for an Interim Payment. Instead, the amount of any compensation to which they are entitled under the Program will be paid in full in a single payment at the time final payments are made.</p>
<p>E-A8.</p>	<p>When is the Certification of Final Enrollment Due? The deadline for Primary Counsel to submit the Certification of Final Enrollment as to such counsel’s Claimants was moved to 10/30/08. If you previously submitted a Certification of Final Enrollment, it need not be replaced unless it was incomplete, you enrolled additional Claimants after it was submitted or it was otherwise defective. We will notify individually anyone who submitted a defective Certification. If you have not already submitted your Certification of Final Enrollment, the Parties have prepared a new form of Certification of Final Enrollment for that purpose and you should use the new one. You can obtain the proper Certification of Final Enrollment form at www.browngreer.com/vioxxsettlement. Any Primary Counsel who has not submitted a Certification of Final Enrollment should do so as soon as possible.</p>
<p>E-A9.</p>	<p>How can I find out which Enrollment Materials the Claims Administrator has received for my Claimants? You may visit your Vioxx Portal to see what Enrollment Materials the Claims Administrator has received as to each of your Claimants. To access this function, log on to your Vioxx Portal and click on Enrollment on the left side of the screen to be taken to the Enrollment Main Page. On the Enrollment Main Page, select “<u>4. Enrollment Status</u>” to search your list of Claimants to determine whether the Claims Administrator has received a Release, Stipulation, Medical Authorization, or Employment Authorization as to a particular Claimant. At this time, the screen will state “Received” if the Claims Administrator has received that particular document as to that Claimant. If it does not state “Received,” then the Claims Administrator has not received that document as to that Claimant. If you think that indication is wrong, get in touch with your CA Contact and explain why.</p> <p>The Claims Administrator also uses this vehicle to convey to you information on whether an Enrollment document you submitted as to a particular Claimant is complete, under the Completeness Criteria that the Parties to the Settlement Program have adopted. Merck’s counsel reviews these documents to assess them for any Deficiencies that must be cured under those Completeness Criteria. If Merck finds a Deficiency, the Claims Administrator reviews the same document to confirm the presence of the Deficiency. If it is confirmed, the Claims Administrator will notify you of any Deficiencies in an Enrollment Document and the action required by the Criteria for you to cure that Deficiency. That information is posted to your Portal. You have 20 days from the date the Deficiency is posted to submit the material needed to cure it. If the</p>

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	Deficiency is timely cured, the date of submission of the document will relate back to when you first submitted it, for purposes of measuring when the Claimant was Enrolled.
E-A10	What are the requirements to be Interim Payment Enrolled (“IP Enrolled”)? A Claimant represented by Primary Counsel is IP Enrolled if: (a) on or before 3/31/08, Primary Counsel (1) registered an intention to Enroll the Claimant by answering “Yes” to the On-Line Enrollment question or Question 35 of the Primary Counsel’s Claimant Spreadsheet, or submitted a Claimant List identifying the Claimant; (2) submitted an original Enrollment Form for that Claimant; and (3) submitted an original Release for the Claimant; and (b) on or before 10/30/08, Primary Counsel: (1) submitted an original Stipulation of Dismissal, if the Claimant has a pending lawsuit; (2) submitted an Authorization for Release of Medical Records; (3) submitted an Employment Records Authorization Form), if the Claimant seeks lost wages on a claim for Extraordinary Injury Payments; and (4) submitted a final Certification of Final Enrollment for all its Claimants. An unrepresented Claimant must meet all these same requirements, except that no CFE is required. A Claimant’s inclusion in this category is subject to the review of all Enrollment documents for completeness.
E-A11	What are the requirements to be Enrolled? A Claimant represented by Primary Counsel is Enrolled if, on or before 10/30/08, Primary Counsel (1) registered an intention to Enroll the Claimant by answering “Yes” to the On-Line Enrollment question or Question 35 of the Primary Counsel’s Claimant Spreadsheet, or submitted a Claimant List identifying the Claimant; (2) submitted an original Enrollment Form for that Claimant; and (3) submitted an original Release for the Claimant; (4) submitted an original Stipulation of Dismissal, if the Claimant has a pending lawsuit; (5) submitted an Authorization for Release of Medical Records; (6) submitted an Employment Records Authorization Form), if the Claimant seeks lost wages on a claim for Extraordinary Injury Payments; and (7) submitted a final Certification of Final Enrollment for all its Claimants. An unrepresented Claimant must meet all these same requirements, except that no CFE is required. A Claimant’s inclusion in this category is subject to the review of all Enrollment documents for completeness.
E-A12	I enrolled someone who is not an Eligible Claimant. Can I unenroll him? No. Enrollment is irrevocable under Section 1.2.3 of the Settlement Agreement.
E-A13	We have a Claimant who signed and submitted the necessary Enrollment documents (a Release and Medical Authorization Form) before he died. Do we need to submit new Enrollment paperwork, with a Representative Claimant signature? Claims Administration Procedure 2008-5 ("CAP 2008-5") governs this situation. CAP 2008-5 can be found under the Claims Administration Procedures link on the Claims Administrator's website at http://www.browngreer.com/vioxxsettlement/cap.htm . If the submitted document is considered Complete or does not suffer from any Deficiency that requires re-execution of the Document by the Claimant, the Document shall be considered to be valid and binding and need not be re-executed by a Representative Claimant on behalf of the Claimant. If the submitted document suffers from any Deficiency that would require re-execution by the Claimant, the Representative Claimant pursuing the Claim must execute the replacement Document and satisfy the requirements of CAP 2008-1 (Required Representative Capacity Documentation: Vioxx User Claimant) and all other requirements applicable to the Claims of Deceased Claimants.
E-A14	Will submitting an Employment Records Authorization (“EA”) after the Interim Payment Deadline disqualify my Claimant from eligibility for an Interim Payment? No. A late EA

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	will not alter the current Enrollment status.
E-A15	How do I voluntarily dismiss the case for one of my Enrolled Claimants (who is ineligible)? Contact the NPC to resolve this issue.
E-A16	Why did the Enrollment Deadline change and what does it mean? Because Merck announced the waiver of its Walk Away Right as of 8/4/08, the Enrollment Deadline Date under Section 1.2.2 and Section 17.1.26 of the Settlement Agreement was 10/30/08. This was the final deadline for Enrolling Claimants in the Program. Thus Claimants could Enroll in the Program using the methods described in the Enrollment Instructions, but must have done so on or before 10/30/08. Claimants who Enrolled after 3/31/08, and on or before 10/30/08, will not be considered for an Interim Payment. Instead, the amount of any compensation to which they are entitled under the Program will be paid in full in a single payment at the time final payments are made. The Certification of Final Enrollment is required of all Primary Counsel to indicate completion of the Enrollment stage for the firm's Vioxx clients. The final CFE for each Primary Counsel was due on 10/30/08.
E-A17	Why am I getting so many postings on Deficiencies on my Portal that seem to be inconsistent and duplicative of previous postings? The Claims Administrator sends an email to notify Firms of the following: (1) any change in status (e.g., from Deficiency to Pending; Pending to NCD; Received to Deficient); (2) a Deficiency is added or removed; and/or (3) the post date or due date for the Deficiency changes. When Firms get a notification e-mail on their Portal, it is not a duplicate posting of previously posted Deficiencies.
E-A18	What do I need to submit to show proof of authority to act for a minor or incompetent Claimant or Derivate Claimant? Claims Administration Procedure 2008-8 (CAP 2008-8") governs this situation. CAP 2008-8 can be found under the Claims Administration Procedures link on the Claims Administrator's website at www.browngreer.com/vioxxsettlement/cap.htm . CAP 2008-8 requires: 1) Signature by a Representative Claimant authorized to act for a Minor or Incompetent Claimant or Derivative Claimant; 2) If a representative has been appointed by a court to act for the Minor or Incompetent, that person shall sign and submit a copy of the order of appointment. 3) If no RC has been appointed, the Claimant shall submit: (a) a completed Form V2035 (found under the Claims Administration Procedures link or Forms link on the Claim's Administrator's website); (b) a copy of the law of the applicable jurisdiction showing who can act for a Minor or Incompetent; and (c) a copy of whatever document that law requires to show authority (such as a Power of Attorney or a Birth Certificate showing who is a parent and the birth date of a Minor).
E-A19	Can I enroll Claimants after the 10/30/08 Enrollment Deadline? The Parties have not authorized the Claims Administrator to extend the Enrollment Deadline for any reason for any person. Any Claimant who did not Enroll by the 10/30/08 Deadline but wants to Enroll can send the Claims Administrator his or her Enrollment Documents and should do so as soon as possible, along with a statement of why they were not sent by 10/30/08. The Claims Administrator will present them to the Parties for their consideration. The Claims Administrator cannot predict

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whether any of them will be accepted as timely.

E-A20. What inquiries can I email to the LMI email box? The LMI email box is for questions or disputes on Enrollment Deficiency issues in Releases and Stipulations only. It is not for claims questions, late Enrollment questions, payment questions, or anything else. Firms should never send documents, RC materials, or anything else to that email box. Firms need to send the Claims Administrator all materials.

B. Releases.

E-B1. I sent out Releases to my clients before I knew the Claims Administrator would be sending them to me. Will the Claims Administrator process these Releases, or must I use the official individualized version? The Claims Administrator will process Releases you sent before you received the individualized version, assuming that it is the version approved by the Court. However, if you have not received the signed Release back from your Claimant, you should send the individualized version and ask him/her to sign it to maximize its efficient processing.

E-B2. Does my client have to sign the Release personally, or may I sign it on her behalf if I have a Power of Attorney? Each Claimant must personally sign the Release. If the Claimant is deceased, the Release must contain the signature(s) of those with authority to sign.

E-B3. My client is deceased, and I did not have the estate probated or personal representatives appointed by the March 31, 2008 deadline. What do I do? You should obtain the signatures of the person who you think will be appointed as the personal representative and with authority to sign the Release. If the Release contains the appropriate signatures, the Claims Administrator will review it and record it for Enrollment purposes, but the Release will not be complete unless and until all of the required documentation is received. Because the Release will not be complete, the claim will not be processed for Gate Review or Claims Assessment until all necessary supporting documentation is submitted.

E-B4. My Release has an Attachment 1, but it is blank. What do I do with it? If you have claimants who (i) are living now (ii) lived in at the time of Primary Injury or Secondary Injury and/or (iii) filed lawsuits in Arizona, Kansas, Ohio, Oklahoma, or Texas (“Special State Claimants”), you are responsible for making sure that the Release of All Claims includes any co-defendants named in the lawsuit. Each Claimant whose Claimant Spreadsheet information placed them in a Special State Claimant status is receiving a Release with an Attachment 1 on which you must provide by writing or typing in all co-defendants named in the lawsuit. If the co-defendant is a corporate entity, you must list it using the co-defendant’s proper corporate name. If there were no co-defendants named in the lawsuit, write “None” on Attachment 1. For step-by-step instructions on how to do this on-line, go to www.browngreer.com/vioxxsettlement/, click on Enrollment on the left side of the screen and then click on Step-by-Step Enrollment Instructions - see Section F.6.

E-B5. I noticed that the Release must be signed by the Vioxx user, who is now deceased. Do I disregard or have her spouse sign? If a Claimant or Derivative Claimant is deceased, a person who has legal authority to act for the estate of the deceased person must sign the Release (and the Medical Authorization and Employment Authorization Forms). Do not change the Claimant’s name where it appears on the Cover Page to the Release, or in the Claimant information section of the Authorization Forms. Instead, where the signatures are to be made, write “[Claimant name] by [Name of representative who is signing], as [fill in executor, or representative, or other

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legal status of the representative].” An example: “John Doe, by Jane Doe, as the Executor of the Will of John Doe.”

Merck requires that the person who signs as the Representative Claimant submit a copy of the court order or other official letters of administration appointing the person to act on behalf of the estate and all the potential beneficiaries of the estate and a wrongful death action. That paperwork must be complete before the Claimant can receive a Notice of Points Award on the Claim, if it is found eligible for payment. Until that time, you can use the procedure adopted by the parties as Claims Administration Procedure 2008-1 (CAP 2008-1) to keep the claim moving through the Gates evaluation process. You can view and download that Procedure from the settlement website at www.browngreer.com/vioxxsettlement, under Claims Administration Procedures. It is also located under the Deceased Claimants section of that website. You also can find detailed CAP 2008-1 Instructions under the Deceased Claimants section and Instructions section.

E-B6. The Vioxx user died intestate and there has been no administration upon her estate. If her husband signs the Release, the Authorization for Release of Medical Records, or the Authorization for Release of Employment Authorization, there is no documentation authorizing him to act as the representative. The Derivative Claimants represent all of her surviving beneficiaries. What should I do? The question of who can act on behalf of the estate of a deceased person is a function of the law of the State that applies to that claim. First, determine which State’s law applies to the claim. Then determine what that law requires to empower a person to act as the legal representative of a deceased person. Many states require an order appointing an executor of the estate, or the issuance of letters testamentary, or an order appointing a person to act for a person who died intestate. You must secure and provide to the Claims Administrator copies of whatever is necessary under the applicable state law to authorize the person signing as representative to bind the entire estate and all beneficiaries of the estate. Because these rules vary from state to state, the Claims Administrator cannot provide you with the rules applicable in your state.

E-B7. The Release includes a signature page for the deceased client, as well as signature pages for the Derivative Claimants. It appears that the deceased’s legal representative is to sign for the deceased, but would you like us to attach the documents granting that power (e.g., trustee documents, power of attorney, etc.)? Yes, the deceased’s legal representative should sign for the deceased, with an applicable notation such as “Jane Doe, as Executor of the Estate of John Doe”, and you must attaché the documents granting that power.

E-B8. We recently learned that two of our clients passed away. Neither death was the result of Vioxx usage. The clients have been registered and both spouses have power of attorney. How would you like us to proceed with respect to enrollment? If the deceased’s legal representative wishes to proceed with the claim, the applicable Enrollment forms should be executed by the legal representative (in addition to being executed by Counsel where required). Specific information on Enrollment can be found at Section 1.2 of the Settlement Agreement.

E-B9. The Representative of the Claimant passed away before signing the Release. Who should I get to sign the Release? A new Representative for the Claimant should replace the Representative for the Claimant who died. You need to have the Release signed by whoever will be the new Representative of the Claimant, not the Representative of the Representative. However, it could turn out that it will be the same person, if, for example, the Representative was the Spouse of the Claimant, and the Spouse died, and their son replaces the deceased

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	<p>Representative as the new Representative of the Claimant and also becomes the Representative of the Spouse, but what really matters is that the new Representative of the Claimant signs the Release.</p>
E-B10.	<p>How do I remove a Claimant’s step-children who are Derivative Claimants? If the children are parties to a lawsuit or Tolling Agreement, they must sign the Release and cannot be deleted. If they are not, you can log on to your Vioxx Portal and remove them. Go to the Claimant Search screen and find the Claimant whose Derivative Claimant information you need to change. On the Claimant Demographics Screen, you will see a Form Links Menu, with a link to the Release. Click on the Edit button on the Release screen to remove the Derivative Claimants listed in the Derivative Claimants section of the screen. Click on the Remove button next to the Derivative Claimants who you wish to remove. After you have removed them and if there are no remaining Derivative Claimants listed, you can click the “If None, check here” box at the top of the Derivative Claimants section to indicate that the Claimant has no Derivative Claimants.</p>
E-B11.	<p>For all of our Deceased Claimants, we have submitted documentation of the appointment of the Personal Representative with the Enrollment Forms. On our Enrollment status, the Release section (on each Deceased Claimant) indicates “Received” but does not say “NCD”. Can you clarify whether this means we do not need to do anything further at this time, and we do not need to complete Form V2031? If you have submitted proof of the appointment of a personal representative for each Deceased Claimant and the Release is not marked “NCD,” it means that Merck has not yet reviewed your paperwork and determined it to be acceptable. You can await the outcome of that review, which we should receive within the next 30 days, if you prefer, and use the CAP 2008-1 and Form V2031 then if a problem is found that will take time for you to address.</p>
E-B12.	<p>We were told to obtain the Derivative Claimant’s signature on the Release to cure a deficiency but the Derivative Claimant pre-deceased the Claimant. What should we do? If a Derivative Claimant is deceased, a person who is the authorized representative of the Derivative Claimant's estate must sign the Derivative Claimant Signature Page for the Release. Just as with a deceased Claimant, you have to send us a copy of an order of appointment or letters of administration authorizing the person signing to act as the representative of the estate. This proof of authority to act is not due by your deadline to cure the other Deficiencies. Under Section 1.2.2.4 of the Settlement Agreement, these matters must be cleared up as to Derivative Claimants before any Payment can be made on a claim, or no later than 11/30/08. If you feel that, under the law applicable to the claim, this signature is not required, email or write us the reasons why (and include a cite to the applicable law) and we will review them with Merck’s counsel</p>
E-B13.	<p>Why is the Release deficient if I sign it for the Claimant by Power of Attorney? The Release must be signed by the Claimant personally, and not by someone who has a Power of Attorney only. In most jurisdictions, a release and waiver of claims must be signed by the Claimant personally and a power of attorney may not be sufficient to ensure that the Release is binding on the Claimant. Merck is setting this requirement for participating in the Program pursuant to Section 1.2.2.3 and Exhibit 1.2.2.3 of the Settlement Agreement.</p>
E-B14.	<p>What is the basis for the requirement that a surviving spouse must be court-appointed to be the Representative for a Deceased Claimant? Merck is setting this requirement for participating in the Program pursuant to Section 1.2.2.3 and Exhibit 1.2.2.3 of the Settlement</p>

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	Agreement.
E-B15.	The Claimant has a Derivative Claimant who is a party to a pending lawsuit who did not sign the Release. Will the Derivative Claimant be required to sign the Release if I get his claims dismissed from the pending lawsuit? How do I do that? If the Derivative Claimant is a party to a pending lawsuit, you can avoid the requirement that the Derivative sign the Release (and cure any signature deficiency) by filing with the court where the case is pending a Stipulation of Dismissal (or such other document necessary under the law and procedural rules applicable to the case) to dismiss this person’s claims with prejudice. Contact Merck counsel Charles Cohen at Hughes Hubbard & Reed, cohen@hugheshubbard.com, to send these Stipulations of Dismissal, to obtain a dismissal form, or with any questions on preparing and filing these dismissals. A signature deficiency will continue to be posted as “Pending” until Merck’s counsel has informed the Claims Administrator that the dismissal is complete.
E-B16.	I need to send in part of a Release to cure a posted Enrollment Deficiency. How should I submit it? You should: <ol style="list-style-type: none"> 1) Send the Claims Administrator an original hard copy by mail or carrier. 2) If the document requires a signature, make sure to send the original signature, not a fax or photocopy of a signature. 3) Do not send the Claims Administrator electronic copies. They do not count and just take up space. 4) If only a fax or pdf is sent, the document will show "Deficiency" on the Vioxx Portals until the Claims Administrator submits the original. 5) Firms can send in pdfs, copies, etc., of SSN cards and other documents used to prove identity, or wills or Representative Capacity documentation. But Releases (and all parts of the Release) and all Stipulations of Dismissal must be sent in original hard copy form.
E-B17.	Why did I receive an Attachment 1 Deficiency where there are no defendants other than Merck in the case? If you submit a blank Attachment 1, instead of typing or writing in “None” in the blank provided, your Release will be found deficient and you will be required to submit a new Attachment 1 indicating “None” for any co-defendants.
C. Stipulations of Dismissal.	
E-C1.	What name and information do I fill in for the Merck attorney? Leave blank the Attorney for Merck information, as well as the date under the Attorney for Merck line.
E-C2.	Must I dismiss all defendants, or is the Stipulation of Dismissal acceptable if I just dismiss Merck but leave the other defendants? You must dismiss all defendants. A Stipulation of Dismissal that dismisses Merck but leaves other defendants will be returned as insufficient and will not satisfy the Enrollment Requirements. You may not alter any of the text that is not in brackets.
E-C3.	What do I fill in for the applicable rule? Insert the Local Rule or other Rule that applies to the dismissal of the case from the Court in which it is pending.

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E-C4.	If a client of our firm who initially participates in the Settlement Agreement is determined by the Gate Committee not to be a Qualifying Program Claimant and this client chooses not to appeal to the Special Master but instead takes back his Dismissal with Prejudice Stipulation and litigates his claim, are we prohibited by the Settlement Agreement from representing him in this litigation? No. The Settlement Agreement does not prohibit such continuing representation. Such a Claimant will be required to execute a Future Evidence Stipulation (Exhibit 2.7.3 to the Settlement Agreement) and must comply with the terms of such Stipulation in any subsequent litigation.
E-C5.	I have six Claimants who were all part of one claim and I listed them individually on one Stipulation. The Stipulation appears in the database for only one of the Claimants. What should I do? You should submit a Stipulation for each Claimant. The submission date will relate back to the date of the first Stipulation submitted.
E-C6.	I have a Claimant whose case against Merck was converted to a Tolling Agreement. Do I need to submit a Stipulation of Dismissal? If the case was dismissed already, then no Stipulation is required. If it has not, then a Stipulation is required.
E-C7.	What date should I use when signing a new Stipulation of Dismissal to replace a deficient one – the date I sign the new one or the date the original Stipulation was signed? Date the Stipulation with the date that you sign it. If you cure within the allotted time period, it relates back to the earlier submission for purposes of dating the submission for timeliness.
E-C8.	Must a New Jersey licensed lawyer sign New Jersey Stipulation of Dismissals instead of Primary Counsel located elsewhere? Although the New Jersey Rules require signature by a NJ lawyer, on 6/5/08, Judge Higbee signed an order which does not require a NJ lawyer to sign Stipulations of Dismissal. A signature by counsel, regardless of state, will suffice.
E-C9.	I need to send in a Stipulation of Dismissal to cure a posted Enrollment Deficiency. How should I submit it? You should: <ol style="list-style-type: none"> 1) Send the Claims Administrator an original hard copy by mail or carrier. 2) If the document requires a signature, make sure to send the original signature, not a fax or photocopy of a signature. 3) Do not send the Claims Administrator electronic copies. They do not count and just take up space. 4) If only a fax or pdf is sent, the document will show "Deficiency" on the Vioxx Portals until the Claims Administrator submits the original. 5) Firms can send in pdfs, copies, etc., of SSN cards and other documents used to prove identity, or wills or Representative Capacity documentation. But Releases (and all parts of the Release) and all Stipulations of Dismissal must be sent in original hard copy form.
D. Medical Records Authorizations.	
E-D1.	Why are we providing Medical Records Authorizations as part of this Settlement Program? The Settlement Agreement allows the Claims Administrator, the Gate Committee, the Special Master, and other specified parties to seek additional medical records. The Authorization for Release of Medical Records will be used to retrieve those records.

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E-D2.	If I submitted Medical Records Authorizations during the litigation, must I submit new Medical Records Authorizations as part of the Settlement Program and, if so, why? Yes, even if you submitted a Medical Records Authorization in the litigation, you must submit a new one as part of the Settlement Program. The reason for this is because the Settlement Program directs that parties different from those involved in the litigation seek medical records, such as the Claims Administrator.
E-D3.	If my client dates the Authorization by mistake, can I white out the date and submit it, or must we have him re-sign the Authorization? Yes. You may white out the date carefully so as not to obscure any other aspects of the document. If we at any time attempt to use the Authorization and records provider rejects it because of its appearance, we will come back to you to get a newly signed document from your client.
E-D4.	Can I fill in the Authorizations in handwriting, or must the information be typed? If you cannot go online to make the changes, which is preferred, you should write in the necessary changes in black ink and as legibly as possible.
E-D5.	I need to change the pre-filled information in the Authorization. How do I do that? You may change the Authorization on-line. For step-by-step instructions on how to do this, go to www.browngreer.com/vioxxsettlement/ , click on Enrollment on the left side of the screen and then click on Step-by-Step Enrollment Instructions - see Section G.5.
E-D6.	The Litigation Case No. section of our Authorizations are blank. Are they supposed to be? Yes. The Litigation Case information is not pre-populated. For instructions on how to do this, go to www.browngreer.com/vioxxsettlement/ , click on Enrollment on the left side of the screen and then click on Step-by-Step Enrollment Instructions - see Section G.4.

E. Employment Records Authorization (See questions for Medical Records Authorizations).

E-E1.	Is the Authorization for Employment Records required for each Claimant? An Authorization for Employment Records is required only if the claimant is making a claim for Extraordinary Injury under Section 4.2 of the Settlement Agreement. If the claimant is not making such a claim, you do not need to submit the Authorization for Employment Records.
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F. Claimant Spreadsheet.

E-F1.	How do I answer Question 34 about Remuneration? If another firm has offered you payment or the promise of payment for you to terminate your interest in Claimants claim, you choose "yes" to question 34. If this is not the case, you would choose "no" to question 34.
E-F2.	How do I answer Question 37 regarding Court Approval of the Release? Question 37 was intended to elicit information about any Release that will need court approval because of probate, bankruptcy, guardian ad litem or other such issues. Often, this court approval takes time, and it may be unlikely that any Release requiring it will have all necessary approvals completed by the Enrollment deadline. You should answer Yes to any Claimant whose Release you anticipate will need to get approval from a Court before it becomes valid and binding, either because of local rules or because the nature of the claim will require such approval. If there are no such issues involved in a claim, you should answer No to the question.

G. Certification of Final Enrollment.

E-G1.	How can I sign a Certification of Final Enrollment as to Claimants who refuse to Enroll? Sections 1.2.7 and 1.2.8 of the Settlement Agreement require that, consistent with your ethical obligations, you withdraw as counsel and forego any interest in the Claim of an Eligible
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**FREQUENTLY ASKED QUESTIONS
VIOXX SETTLEMENT PROGRAM**

STEP 2. ENROLLMENT

	<p>Claimant who refuses to Enroll. The Certification of Final Enrollment (“CFE”) requires that you account for all claims in which you have a Financial Interest. If you notify a claimant who is not enrolling that you no longer have a Financial Interest in the claim and will seek the court's permission to withdraw, then you may execute a CFE, for it applies to claims in which you have a Financial Interest. The parties designed the language in the CFE to be consistent with Section 1.2.7 of the Settlement Agreement (goal is so that counsel will Enroll all Eligible Claimants in which they have a Financial Interest) and Section 1.2.8 regarding withdrawal from representation.</p> <p>The Court has entered PTO No. 36, which standardizes the steps necessary to withdraw by any similarly situated counsel in the Program. A copy of the PTO can be found at www.browngreer.com/vioxxsettlement/ by following the “Significant PTOs” link on the left side of the screen.</p>
E-G2.	<p>When is the deadline to withdraw from representation of unenrolled Claimants? All Eligible Claimants in whose claims you have a financial interest who have not yet enrolled, and to whom you have recommended enrollment but they have not responded to your recommendation, should have been listed in Attachment A to your Certification of Final Enrollment.</p> <p>If any Claimants have not responded by May 30, 2008, and authorized enrollment, or have responded and refuse to enroll, you must file a motion to withdraw from representation of such Claimants pursuant to PTO No. 36. A copy of the PTO can be found at www.browngreer.com/vioxxsettlement/ by following the “Significant PTOs” link on the left side of the screen.</p>
E-G3.	<p>What is a Certification of Final Enrollment? In addition to Claimant specific Enrollment requirements, Claimants are Enrolled only if their Primary Counsel submitted a signed Certification of Final Enrollment Form (“CFE”) to the Claims Administrator on or before 10/30/08. The CFE requires you to certify (1) that all Eligible Claimants in whose claims you have a financial interest have either enrolled in the Resolution Program or are listed on Exhibit A of your CFE; and (2) that all Eligible Claimants listed on Attachment A of your CFE are Claimants to whom you have recommended Enrollment and whom you are making diligent efforts to Enroll, but you have not been able to locate them or the Claimant has not yet responded to your recommendation.</p>
E-G4.	<p>Do I need to submit a Certification of Final Enrollment if I did not enroll any claimants? No. A firm that enrolls no one does not have to submit a CFE.</p>
E-G5.	<p>I have already submitted a Certification of Final Enrollment and now have 2 new Claimants to register and enroll. Can I register and enroll them and then submit a new CFE with the new claimants on it? Yes. You must submit a new CFE if you enroll additional Claimants after you submit a CFE.</p>