

**FREQUENTLY ASKED QUESTIONS  
VIOXX SETTLEMENT PROGRAM**

**VI. PAYMENTS**

<b>P-1.</b>	<b>Assuming the Claimant is eligible for interim payment, how soon will a check be issued after an acceptance of the Points Award?</b> After the Points Award is accepted, payments will be made within approximately 60 days, subject to the audit rights in Article 10 of the Settlement Agreement.
<b>P-2.</b>	<b>What will the amount of the check be?</b> For Claims qualifying for Interim Payments that are not Pre-Special Review Claimants, the Interim Payment can be calculated as 40% of the total Points Award multiplied by the projected interim point value.
<b>P-3.</b>	<b>If the first check is 40% and the final check is 60%, can I tell my clients that their second and final check will be one and a half times the amount of the first check?</b> Any sums due payable for Government Liens and the common benefit fees will be deducted from the settlement award. Since the final point value and payment amounts cannot be calculated until ALL claims have been fully evaluated, there is no guarantee that the estimation of the interim point value will prove accurate. Final payments could deviate materially from the currently estimated amounts.
<b>P-4.</b>	<b>When will the final check come?</b> The Claims Administrator announced the projected date for Final IS Payments to be on or about June 15, 2010, and the projected date for payment of all eligible Extraordinary Injury (EI) claims to be on or about June 30, 2010. The Claims Administrator is not able to predict the exact date of these payments because there remain unresolved claims that must be finalized before payments can occur.
<b>P-5.</b>	<b>We were notified that a portion of our client's payment is to be deducted from his award as payment to Medicare, however, our client informed us that he did not have Medicare. What do we need to do to fix this?</b> If you think the Medicare deduction is incorrect, you should choose Appeal on your Portal and choose the Medicare option from the picklist.
<b>P-6.</b>	<b>Are settlement funds taxed?</b> No taxes are withheld from the settlement funds disbursed by the settlement escrow agent. Law firms and/or Claimants should coordinate with their tax advisor for answers to specific questions about potential tax consequences of the settlement funds.
<b>P-7.</b>	<b>Is the Common Benefit Attorney fee (not to exceed 8%) taken out of the interim payments made to Claimants?</b> The parties have agreed that the Common Benefit Attorney fee will not be taken out of the interim payments, but rather will be withheld entirely from the final payments.
<b>P-8.</b>	<b>The Settlement Agreement does not delineate what the claimant attorney fee is – do we just deduct 8% from the fee agreement that we have thus reducing our fee accordingly?</b> For information on handling claimant attorney fees, you should review the PTO issued by the Court on August 27, 2008 (found at <a href="http://vioxx.laed.uscourts.gov/Orders/o&amp;r082708.pdf">http://vioxx.laed.uscourts.gov/Orders/o&amp;r082708.pdf</a> ) and contact the Negotiating Plaintiffs' Counsel for further guidance if you have any questions after reviewing the Order.
<b>P-9.</b>	<b>How can I set up a Structured Settlement or Special Needs Trust for my client?</b> Merck and US Bank sorting through the logistics of being able to offer them. Currently, you have three options, which are: <ol style="list-style-type: none"> <li>1. The firm can elect to get paid in the normal fashion (no structure settlement);</li> <li>2. The firm can set up their own qualified settlement account (so the Claims Administrator can pay them in the normal fashion, but the Escrow Agent will wire the funds to a special qualified account set up by the firm, and they can then sort out how to split up the funds to the insurance</li> </ol>

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	company or, special needs trust, etc.); or 3. The firm can request that the Claims Administrator put the payment “on hold” for now (until the Merck/US Bank approach is set up).
<b>P-10.</b>	<b>My client(s) still have Enrollment deficiencies preventing their payment. How and when will I be paid when those deficiencies are cleared?</b> Any Claim that is cleared by the last day of the month will be included in the payments that occur the next month. Thus, if a Claim is cleared on October 29, we would place it on the November 1 payment list and it would be paid the third week in November.
<b>P-11.</b>	<b>When will my Special Review Claim be paid?</b> Once we prepare the IS Final Payment list, we will send the Special Master a list of all IS Special Review claims that did not timely elect the \$5,000 Fixed Payment. Once the Special Master completes his review of these IS Special Review claims in accordance with Section 3.4 of the Vioxx Settlement Agreement, the Claims Administrator will notify you of the Special Master’s determination and will then place the Claim on the next monthly payment list. Monthly payments are disbursed on or about the sixteenth business day of each month. The Special Master’s review is final and binding.
<b>P-12.</b>	<b>Is it too late to submit the Certification and not have 32% withheld from the Final Payments?</b> Yes. The payment list is final.
<b>P-13.</b>	<b>Is there any way I can submit it now and have you release the 24%?</b> You should go ahead and submit the Certification. The Claims Administrator will seek approval to release the 24% but cannot guarantee that it will be able to do so. If the Claims Administrator releases it, you would most likely receive it in the month following the Claims Administrator’s receipt of your Certification.
<b>P-14.</b>	<b>When will the IS Final Payments be issued, and will IS Interim Payments continue to be issued each month until the IS Final Payments take place?</b> The Claims Administrator announced the projected date of the Final Payment for Ischemic Stroke (IS) Claims to be on or about June 15, 2010. The Claims Administrator is not able to predict the exact date of these payments because there remain unresolved claims that must be finalized before payments can occur. The Claims Administrator will issue IS Interim Payments on May 24, 2010, for any claim that has matured to payment and is otherwise eligible. The Claims Administrator will not make an Interim Payment in June to allow for the preparation for the Final Payments. Any claimant who becomes eligible for payment between now and mid-June will receive the total settlement amount (less any lien amount and Common Benefit Fee/Cost adjustment) in the Final Payment.