

CLAIMS ADMINISTRATOR

COURT REPORT NO. 22

October 23, 2009

MI FINAL PAYMENT TIMELINE

9/30/09: Claims Administrator submitted final payment information and instructions to Escrow Agent.

10/7/09: Escrow Agent sent checks by overnight delivery to 293 Firms who requested payment by check. Pro se checks sent to Claims Administrator for processing and mailing.

10/8/09: Wire transfers made to 400 Firms who requested payment by wire.

MI PAYMENT SUMMARY

1.	Amount Issued to Firms/Claimants in Final Payment	~ \$1.7 Billion
2.	Additional Amount Withheld for Liens, Common Benefit Fees and Costs, and PTO 49 Attorneys' Fees	~ \$700 Million
3.	Total Amount Processed in Final Payment	~ \$2.4 Billion
4.	Total MI Claimants Paid in Program	Over 20,000
5.	Total Amount Paid to Date	~ \$3.1 Billion

RESOURCES AVAILABLE TO FIRMS FOR PAYMENT PROCESSING

	Question/Issue	Resource/Contact
1.	Common Benefit Fees/Costs and Attorneys' Fees	a) Disbursement Schedule on Court's Website and Firm's Secure Portal. b) NPC@browngreer.com
2.	Liens	a) LRA Section of Firm's Secure Portal. b) Lien Resolution Administrator at (877) 774-1130.
3.	Individual Claimant Payment Information	a) Firm Payment Report posted on 10/6/09. b) Individual Payment Reports posted on 10/7/09.

INDIVIDUAL CLAIMANT PAYMENT REPORT

Confidential Information

V4193	MI PAYMENT SUMMARY (Data as of: 9/30/09)		
I. CLAIMANT INFORMATION			
Claimant Name	John, Doe	VCN	0000000
Law Firm	PC Law Firm	Enrollment Status	IP Enrolled
Primary Injury:	MI	Date of Injury:	01/01/01
Secondary Injury:		Date of Injury:	
II. PAYMENT SUMMARY			
This is an official communication from the Vioxx Claims Administrator. The claim you filed in the Vioxx Settlement Program is now eligible for a Final Payment. The Final MI Point Value that forms the basis of the payment is \$1,865.01 per Point. The following accounting provides the breakdown of this Payment.			
A. Final Award			
121.49 Points x 1,865.01 per Point		\$226,580.06	
B. Deductions from Final Payment Amount			
1.	Payments Previously Issued	\$93,061.34	
2.	Federal Medicare	\$143.27	Complete
3.	State Medicaid	N/A	N/A
4.	Other Government Liens	N/A	N/A
5.	Private Lien Resolution Program Withholding	\$34,137.00	Pending
6.	Other Private Lien Withholding	N/A	
7.	Common Benefit Fee Withholding: 8% of Final Award	\$18,126.40	
8.	Common Benefit Costs: 1% of Final Award	\$2,265.80	
Final Payment Amount (Before Attorneys' Fees deductions for your Attorney and before individual case expenses for your case.)		\$78,846.25	
III. LIEN WITHHOLDINGS			
Beside the amounts if any, listed in Rows B.2- 5, there is a label describing the current status of the lien. "Complete" means that the lien has been finalized, and the amount listed is what is being paid to satisfy the obligation. "Pending" or "TBD" means that the lien amount has not been finalized and may be reduced. If it is reduced, the Claims Administrator will instruct the Escrow Agent to issue a payment to you for the difference between the amount withheld and the amount due. "N/A" means that there is no lien associated with your claim for that specific program.			
IV. COMMON BENEFIT FEES AND ATTORNEYS' FEES			
The Points award displayed in Section A above has been assessed an 8% deduction for Common Benefit Fees pursuant to Section 9.2.1 of the Settlement Agreement. The Claims Administrator set aside the 8% before remitting payment to your attorney on your behalf. Because the Court has ordered that the total for attorneys' fees cannot exceed 32%, your attorney may only withhold another 24% from your award, even if your individual retainer agreement was greater than or equal to 32%. If the retainer agreement was less than 32% your attorney may only withhold the difference between that percentage and 8%.			

INDIVIDUAL CLAIMANT LIEN REPORT

Confidential Information

V4180	Claimant Status Report on Government and PLRP Private Liens as Reported by the Lien Resolution Administrator (Data as of: 9/30/09)		
I. INSTRUCTIONS AND PURPOSE OF REPORT			
<p>Governmental and private lien information is available for Vioxx claimants who have received a Notice of Points Award. This summary report provides current data concerning any governmental or private healthcare liens that may be withheld from the claimant's final Vioxx Settlement payment. The Lien Resolution Administrator ("LRA") provides updates to the Claims Administrator on the status of any asserted Medicare repayment obligations or Medicaid liens that were disclosed on the claimant's original Notice of Points Award. Information is also available for the resolution of asserted private healthcare liens if a claimant voluntarily agreed to participate in the Private Lien Resolution Program ("PLRP"). The LRA coordinates all repayment obligations for Medicare, Medicaid, self-reported "Other Government" programs and any private liens resolved through the PLRP.</p> <p>Warning! This report reflects current LRA data, but the data could change as the LRA continues to: (i) review alleged discrepancies on Medicare repayment obligations; and (ii) audit asserted healthcare liens by state Medicaid agencies, "Other Government" healthcare providers, and the PLRP private insurers. Check your LRA portal often for updates on the lien status of your clients.</p> <p>The LRA coordinates all repayment obligations for Medicare, Medicaid, "Other Government" programs and any private liens resolved through the Private Lien Resolution Program. If you have any questions about these healthcare liens and repayment obligations, contact the LRA directly as indicated below:</p> <p style="text-align: center;"> Vioxx Lien Resolution Administrator P.O. Box 12540 Charlotte, North Carolina 28220 Phone: (877) 774-1130 vioxxlra@garretsonfirm.com www.vioxxlienresolution.com </p>			
II. CLAIMANT INFORMATION			
Claimant Name	John, Doe	VCN	0000000
Law Firm	PC Law Firm		
Primary Injury:	MI	Date of Injury:	01/01/01
Points Award:	121.49	Secondary Injury:	
		Interim/Fixed Payment:	\$93,061.34
		Interim/Fixed Payment Date:	4/23/09
III. FEDERAL MEDICARE REIMBURSEMENT DATA			
<p>This section indicates whether the claimant is a Medicare beneficiary, the Global Resolution Category and Reimbursement Amount(s) listed on the original Notice of Points Award, and the final Global Reimbursement Category and Amount(s) to be withheld from the final Vioxx Settlement payment.</p>			
1. Medicare Beneficiary?	Yes		
	Primary Injury	Secondary Injury	
2. Medicare Global Resolution Category on PAN	Resolution Category 6		
3. Global Reimbursement Amount on PAN	\$143.27		
4. Medicare Global Category Accepted?	Yes		
5. Medicare Re-Determination Status	N/A		
6. Final Medicare Global Resolution Category	Resolution Category 6		
7. Final Global Reimbursement Amount	\$143.27	\$0.00	

ISSUES REMAINING FOR MI CLAIMS

- 1) Special Review Claims being reviewed by Special Master. Payments expected in November.**
- 2) Non-final lien and other withholdings may ultimately be resolved for a lesser amount.**
- 3) When withholdings are resolved, any balance owed will be paid on a rolling basis each month.**
- 4) Any balance pending on last day of the month will be paid during the third week of the next month.**
- 5) In October, balances will be remitted on 10/30/09.**

MI INJURY LEVEL SUMMARY**(As of 10/21/09)**

	INJURY LEVEL	AVERAGE POINTS
1.	Level 1	200.58
2.	Level 2	183.56
3.	Level 3	133.75
4.	Level 4	92.97
5.	Level 5	78.65
6.	Level 6	49.37
7.	Special Marker %	6.09%

STROKE GATES REVIEW STATUS

(As of 10/21/09)

	STATUS	CURRENT	SINCE 9/16/09
1.	In Queue for Gates Review	0	-6
2.	New Documentation Submitted After CA Notice of Ineligibility Under Review	309	-195
3.	Gate Passes Eligible for Points Review	7,710	+452
4.	a. Notices of Ineligibility Issued	8,850	+1,196
	b. With Gate Committee-No Vote Yet	725	+182
5.	Total IS Claims in Gates/Points Process	17,594	

STROKE POINTS REVIEW STATUS

(As of 10/21/09)

1.	Paid (or to be Paid) Through October, 2009	3,133
2.	Claimants with Points Awards Outstanding	724
	a. Accepted (to be Paid in November)	147
	b. Potentially Eligible for November Payment	506
	c. Appealed or Special Review	71
3.	QC Completed but Notice Cannot Issue	126
4.	Pending QC	2,575
5.	Claims Incomplete for Points Review	973
6.	Initial Points Review Underway	148
7.	Initial Points Review Pending	31

**ISCHEMIC STROKE INJURY LEVEL
SUMMARY
(As of 10/21/09)**

	INJURY LEVEL	AVERAGE POINTS
1.	Level 1	68.38
2.	Level 2	101.30
3.	Level 3	76.81
4.	Level 4	46.04
5.	Level 5	31.47
6.	Special Marker %	6.41%

SUMMARY OF ISCHEMIC STROKE PAYMENTS			
	PAYMENT CATEGORY	CLAIMANTS	AMOUNT
1.	Paid or to be Paid through October, 2009	3,133	\$96,866,800
2.	Pending November Payments	147	\$4,633,302
3.	Potential November Payments	506	\$10,825,100
4.	Total Potential November Payments	653	\$15,458,402
5.	Possible Total Payments through November	3,786	\$112,325,202

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.**

CLAIMS DEADLINES

	Action/Decision Needed	Deadline*
1.	CA Notice of Ineligibility Response	21 Days
2.	Notice of Incomplete Claims Package Response	14 Days
3.	Accept or Appeal Notice of Points Award	15 Days
4.	Submit Documentation for Appeal	15 Days
5.	Accept or Appeal Post-Appeal Notice of Points Award	5 Days

* All Deadlines Run from Posting of Notice on Firm's Secure Portal

CONSEQUENCES FOR FAILING TO MEET DEADLINES

	Missed Deadline	Consequence
1.	Response to CA Notice of Ineligibility	Claim goes to Gate Committee.
2.	Response to Notice of Incomplete Claims Package	Claim becomes NSPC or may elect Points review with conditions.
3.	Decision to Accept or Appeal Notice of Points Award	Notice of Points Award is deemed Accepted.
4.	Submission of Documentation for Appeal	Documents will not be considered.
5.	Decision to Accept or Appeal to Special Master the Post-Appeal Notice of Points Award	Post-Appeal Notice of Points Award is deemed Accepted.

LETTER DESCRIBING CLAIMS PROCESS FOR INELIGIBLE CLAIMANTS

BROWNGREER || PLC - VIOXX SETTLEMENT

- Home
- News and Developments
- Primary Counsel Profile
- NPC Disbursement Schedule
- Upload Files
- Download Files
- Claimant Search
- Extraordinary Injury Program
- Enrollment
- Claims
- Liens
- Overlap Claimants
- FAQ
- Sign Out

Claims Main Page

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. Your current options are:

[1. Claims Activity Details](#)

Use this section of your Claims portal to determine the current and past claims activity for your Firm's Enrolled Program Claimants. You will be able to use the search feature to look up claimants by: (i) VCN; (ii) name; (iii) particular types of notifications or Event types (i.e., Points Awards, Eligibility Notices, Ineligibility Notices, Claims Package Deficiency Notices, etc.); (iv) specific Claims Status (i.e., CA Review Pending, Claims Material Received, No Claims Material Submitted, etc.); or (v) date ranges.

You will receive periodic e-mails from the Claims Administrator notifying you when new claims information has been posted on this portal. When you receive these emails, you should review this Claims Activity Details portal, using the search features to search by a specific type of Notice or to search by date or date range corresponding to when you received the e-mail notifications. You may also use the "Search All" feature and sort by Date to see the most recent postings. Any of these search options will allow you to see the most recent Notices or events relating to your claimants. Remember to check this Claims Activity Details section regularly, as the current claims status or posted Notices for claimants can change daily as they move through the claims process.

You may transfer the data from these search screens to an Excel sheet by using the "Download to Excel" button at the top right of the search screen. After you choose your desired search option, click the "Download to Excel" button and the displayed data will transfer to an Excel sheet, which you can save to your computer or server. This will allow you to sort the data by claimants' Statuses, Current Events, posting dates, or expiration dates of any deadlines. This downloading feature is most helpful to get a snapshot of your entire claimant inventory when you select the "Search All" feature.

[2. Letter to Claimants Who Failed Gates Describing Claims Process](#)

The Claims Administrator has prepared a letter for attorneys to send to clients who failed Gates and were found ineligible for the Vioxx Settlement Program. The letter explains the process each claim went through and the multiple layers of review it received. It is provided to assist you in communicating with your clients, but you are not under any obligation to send it. Two versions of this letter are available: (1) an Adobe.pdf version on Vioxx Claims Administrator letterhead that is generic and non-Claimant specific; or 2) a Word version that you may personalize for your specific claimants and place on your letterhead. To obtain a copy of the generic Adobe.pdf version [Click Here](#). To obtain a copy of the Word version to personalize for your claimant(s), [Click Here](#). **If you change the substance of the Word version, you may not represent that the letter is an official communication from the Vioxx Claims Administrator.**

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

TOTAL EI CLAIMS RECEIVED

(As of 10/22/09)

	TYPE	MI Claimants	IS Claimants	TOTAL
1.	LOST WAGES/INCOME	586	262	848
2.	PAST MEDICAL EXPENSES	161	129	290
3.	SPECIAL MEDICAL INJURY	1,125	761	1,886
4.	ADDITIONAL EXTRAORDINARY DAMAGES	451	203	654
5.	TOTALS	2,323	1,355	3,678
6.	TOTAL UNIQUE CLAIMANTS	1,627	978	2,605
7.	TOTAL PRIMARY COUNSEL	167	122	211

BASIC EI ELIGIBILITY

1.
**Eligible on
Principal Claim**

Claimant must have been eligible and received a Points Award on the principal MI or IS claim; if not eligible on principal claim → not eligible for EI.

2.
> Special Marker

Claimant's PAN must have been higher than the Special Marker levels (MI 10 pts; IS 2pts); if Special Marker → not eligible for EI.

3.
**Timely EI Claim
Form**

Claimant must have filed timely EI Claim Form by 9/1/09; if no EI Claim Form by 9/1/09 → not eligible for EI.

4.
**Timely Required
Documentation**

Claimant must have submitted some Required Documentation by 9/1/09, if none submitted → not eligible for EI.

THRESHOLD EI ELIGIBILITY

**Past Lost Wages/Income
≥ \$250,000**

and/or

**Past Out-of-Pocket Medical
Expenses ≥ \$250,000**

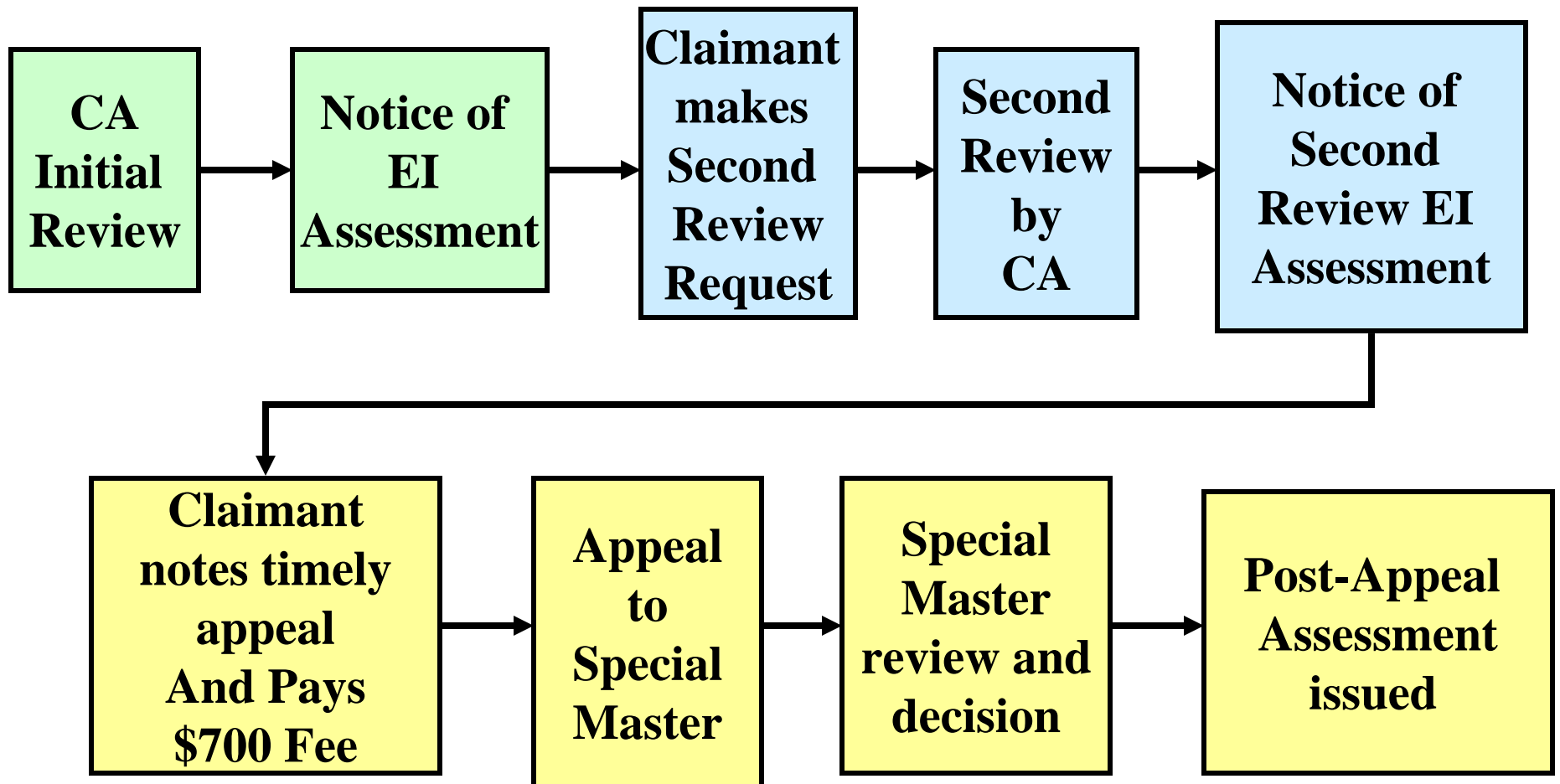
and/or

Special Medical Injury



**Threshold
Eligibility**

EI PROCESSING STEPS



(No new records allowed on appeal)

EI PORTAL FEATURES

- 1) Review Criteria will be posted detailing specific rules for EI Claims evaluation and assessment.**
- 2) EI Interactive Portal:**
 - a) Ability to search by Events/Notices.**
 - b) Ability to view Pending Deadlines.**
 - c) Ability to provide Explanation of Medical Expenses where Claims Administrator needs more information to be able to review the claim.**

EXTRAORDINARY INJURY **PROGRAM: STATUS**

- 1) Reviewing all claims of all types now.**
- 2) Will issue Notices of Assessments as we complete them on a rolling basis.**
- 3) Final EI Payments by June 2010.**