



Vioxx: The Downfall of a Drug

Merck's Conditions for its \$4.85B Settlement Fund

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Merck's conditions for its \$4.85 billion Vioxx settlement agreement, which is open only to those cases filed or tolled on or before Nov. 8, 2007, include:

- To qualify, claimants will have to pass three gates: an injury gate requiring objective, medical proof of MI or ischemic stroke (as defined in the agreement), a duration gate based on documented receipt of at least 30 VIOXX pills, and a proximity gate requiring receipt of pills in sufficient number and proximity to the event to support a presumption of ingestion of VIOXX within 14 days before the claimed injury;
- Individual cases will be examined by administrators of the resolution process to determine qualification based on objective, documented facts provided by claimants, including records sufficient for a scientific evaluation of independent risk factors;
- The agreement provides that Merck does not admit causation or fault;
- Neither stroke claims that are hemorrhagic in nature nor transient ischemic attacks will qualify;
- Law firms on the federal and state Plaintiffs' Steering Committees and firms that have tried cases in the coordinated proceedings must recommend enrollment in the program to 100 percent of their clients who allege either MI or ischemic stroke;

- The parties agree to seek court orders from the four coordination judges requiring plaintiffs' attorneys to promptly register all of their VIOXX claims, whether filed or tolled, and to identify the alleged injury - in order to establish the universe of all existing claims in the United States;
- Participation conditions: payment obligations under the agreement will be triggered only if, by March 1, 2008 (subject to extension by Merck), plaintiffs enroll in the settlement process: (a) 85 percent or more of all currently pending and tolled MI claims, (b) 85 percent or more of all currently pending and tolled ischemic stroke claims; (c) 85 percent or more of all eligible claims involving a death; and (d) 85 percent or more of all eligible claims alleging more than 12 months of use; and
- This agreement applies only to U.S. legal residents and those who allege that their MI or ischemic stroke occurred in the United States.

Source: Merck & Co.

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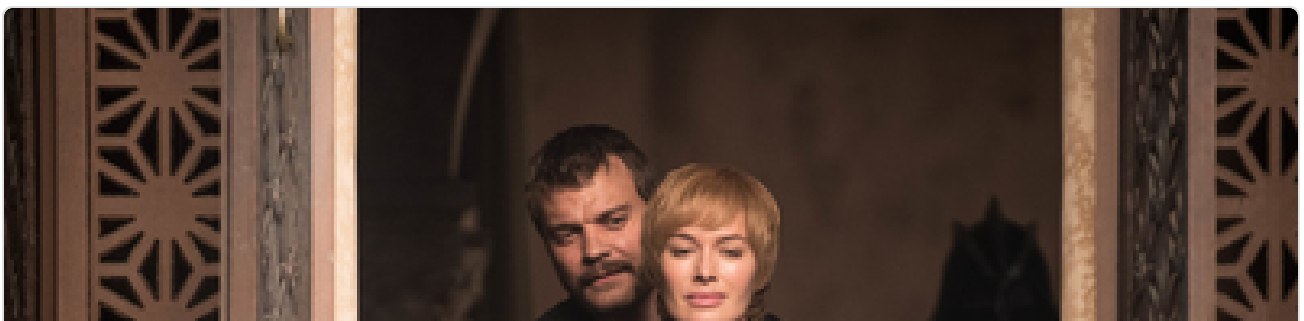
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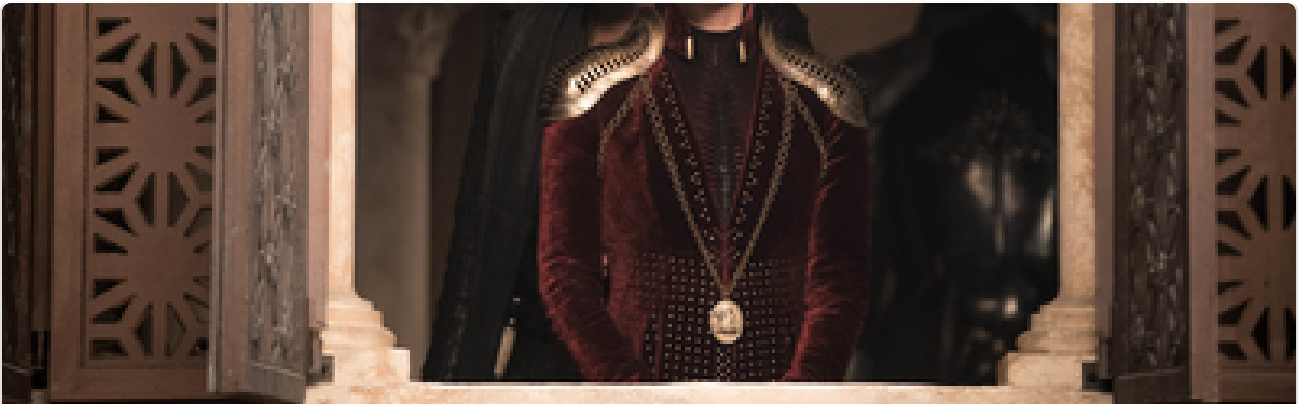
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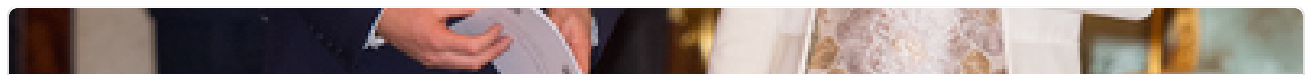
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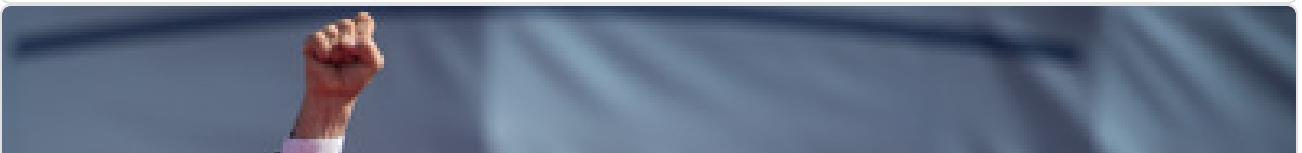
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