

June 2005 Vioxx® Litigation Update

The Vioxx litigation continues to proceed under the guidance of Judge Fallon in New Orleans. We are presently preparing Plaintiff Profile Form for each of our clients and will be formally submitting them when complete.

David Zoll has been appointed to the Discovery Committee. He is working with attorneys from around the U.S. to review documents and evidence and discover facts to support the case.

So far there has not been a trial of any Vioxx case. The cases in the State Courts have not yet proceeded to trial. The plan is to try several cases in New Orleans by the end of the year. Those cases will serve as models for the rest of the cases. If a good result is obtained from those cases, then it is likely that Merck will try to make a global settlement offer. If those cases go badly for the Plaintiffs, then it will be more difficult to get a master settlement.

Judge Fallon has ruled that neither we nor Merck can meet with the doctor who prescribed Vioxx for you unless the other side is given five (5) day's advance notice.

Judge Fallon has also ordered the FDA to produce documents which have been requested and subpoenaed. Those documents should be produced in Maryland next month. David hopes to be one of the attorneys appointed to examine those documents.

We will keep you posted as matters warrant. Thank you for your continued patience and cooperation.