

## April 2005 Vioxx® Litigation Update

The purpose of this letter is to bring you up to date on the status of the Vioxx® litigation and our efforts on your behalf. We are sending this letter to all of our Vioxx® clients.

As you may recall, all of the federal cases have been transferred to Judge Fallon, in New Orleans, Louisiana. Judge Fallon held a pretrial yesterday. The following points may be of interest to you:

1. The Judge has requested that all of the state court trials be held in abeyance for the time being. This is to encourage settlement and coordination with the state court proceedings. There are some states (but not Ohio) where the Plaintiffs were able to file their claims in state court rather than in federal court.
2. There will be several class action master complaints filed. These will deal with all class action allegations.
3. There will be master interrogatories and requests for production of documents directed to Merck within thirty days. The responses will refer to documents produced in the New Jersey state action, as well as new documents.
4. The FDA has been resisting subpoena requests. The Court is going to order the FDA to appear before it at the next pretrial on May 23, 2005.
5. A Plaintiff Profile Form (PPF) is being prepared and will be submitted to the Court on May 12, 2005. Once the PPF is approved by the Court we will be forwarding it to you to complete. **This will be very important!** More on this later.
6. Merck has been requested to provide copies of any Plaintiff Pharmacy records it has obtained.
7. The Court has been asked to bar Merck from contacting your doctor or any other health care professional who has provided care to you, unless we are notified and permitted to be present. The Judge has asked for briefs on this issue.

There were several other technical matters discussed, but none of great interest to you at this time.

We continue to file cases that we believe have merit and continue to investigate and prepare the medical and causation issues involved in your case by obtaining essential medical records and opinions from expert witnesses. We have reviewed the presentations and science presented to the FDA and published in the medical literature.

We are fortunate to have a judge of Judge Fallon's capabilities assigned to this case. We have been very impressed with his fairness, diligence and intelligence. We will continue to keep you posted on important developments.