

## IMPORTANT NOTICE TO ALL VIOXX PRIMARY COUNSEL

Judge Eldon E. Fallon the Federal Judge overseeing the Vioxx Settlement has authorized the Lien Resolution Administrator to administer a program to assist with the resolution of Vioxx-related liens being asserted by Private Health Insurance Providers.

### **THE PROGRAM OFFERS SIGNIFICANT LIEN RESOLUTION BENEFITS TO VIOXX CLAIMANTS WHO WERE COVERED BY CERTAIN PRIVATE HEALTH INSURANCE PROVIDERS OR CERTAIN OTHER PRIVATE BENEFIT PLANS.**

Private Health Insurance Providers generally include health plans provided by your client's employers and/or health insurance policies that your client purchased privately. Even if your client was eligible for and received benefits through Medicare or Medicaid or any governmental medical program currently being handled by the Lien Resolution Administrator, your client could be subject to a lien from a Private Health Insurance Provider as well. Many individuals have private, supplemental medical coverage under programs or policies of insurance such as Medicare Advantage, Medicare + Choice, or under a Federal Employee Benefit Plan. Your client(s) also may have had dual coverage. That is, they may have been eligible for and covered by Medicare, as well as by an employer-sponsored or other private health plan.

The members of the Plaintiff Steering Committee and the Lien Resolution Administrator **recommend that you encourage your clients who were covered by the Private Health Insurance Providers listed on Exhibit 1 to participate in the Private Lien Resolution Program ("Program")**. The Program is entirely voluntary and the decision to participate is individual to each of your clients. Client(s) who are eligible to participate but who choose not to will be responsible for resolving on their own any Vioxx-related lien claimed by their Private Health Insurance Provider(s), and their Provider(s)' lien resolution agents may not offer your client(s) the benefits provided by this Program.

The document entitled "*Vioxx Private Lien Resolution Program Claimant Information*" provides an explanation of the Program's terms and conditions, including: benefits (automatic lien reduction and caps); costs; the Program's participation threshold requirement; an explanation of the options your client(s) have if they choose not to participate; and the steps your client(s) must take immediately if they would like to participate. This document also explains that each participating client's final lien obligation(s) automatically will be paid to the Private Health Insurance Provider(s) directly by the Claims Administrator out of the client's final Settlement Payment (as opposed to any "interim" Settlement Payment).

The **deadline** for your client(s) to elect to participate in the Program is **March 20, 2009**. Each client who voluntarily chooses to participate must submit **both** a signed "*Notice of Private Lien Resolution Program Offer and Acceptance*" and "*Authorization for Use and Disclosure of Protected Health Information*" (HIPAA Authorization) to the Lien Resolution Program Administrator that is postmarked by the March 20, 2009 deadline. **As time is of the essence, the members of the Plaintiff Steering Committee and the Lien Resolution Administrator recommend that you send to each of your clients as soon as possible the document entitled "Vioxx Private Lien Resolution Program Claimant Information" and "Exhibit 1" along with the documents entitled "Notice of Private Lien Resolution Program Offer and Acceptance" and "Authorization for Use and Disclosure of Protected Health Information".**

Your clients' participation and related information can be tracked on the Claims Administrator's portal for Primary Counsel. If you have any questions, please call the Lien Resolution Administrator at: (877) 774-1130.