

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

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|--|---|----------------------------|
| IN RE: VIOXX ® | * | MDL DOCKET NO. 1657 |
| | * | |
| PRODUCTS LIABILITY LITIGATION | * | SECTION L |
| | * | |
| | * | JUDGE FALLON |
| | * | MAG. JUDGE KNOWLES |
| This document relates to: Cases Listed on Exhibit A | * | |
| | * | |
| | * | |
| ***** | | |

**PRE-TRIAL ORDER NO. 56
MODIFICATION OF DUTIES OF PLAINTIFFS’ STEERING
COMMITTEE FOR INELIGIBLE OR NOT ENROLLED CLAIMS**

On July 13, 2009, the Court appointed Ann B. Oldfather and Shawn G. Foster to serve on the Plaintiffs’ Steering Committee for Ineligible or Not Enrolled Claims (“PSC for IE/NE Claims”). These cases were governed by Pre-Trial Order No. 28. By the same order, Ms. Oldfather was appointed lead counsel for these cases. Later, on January 8, 2010, Grant L. Davis and Thomas J. Preuss were also named to the PSC for IE/NE Claims.

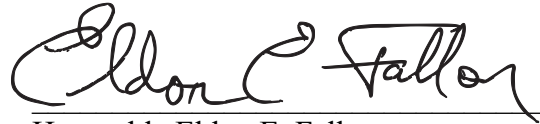
On September 22, 2009, the Court held a status conference at which time the Court indicated that the responsibilities of the PSC for IE/NE Claims extended only to Pre-Trial 28 cases, but when appropriate, the Court would consider what, if any, further structure was needed for Pre-Trial Order 29 and Pre-Trial Order 43 cases.

On June 3, 2010, the Court discussed the cases governed by Pre-Trial Order 29 and Pre-Trial Order 43 with Ann Oldfather and Andy Birchfield. This was prompted by Ms. Oldfather’s Motion to Establish Leadership Responsibilities for Pre-Trial Order 29

and Pre-Trial Order 43 (Rec. Doc. No. 40333). To resolve this matter, the following order is issued.

IT IS ORDERED that the responsibilities of the PSC for IE/NE Claims should be modified to include not only Pre-Trial Order 28 cases but certain cases governed by Pre-Trial Order 29 and Pre-Trial Order 43, which are attached on Exhibit A.

New Orleans, this the 14th day of June, 2010.

A handwritten signature in black ink that reads "Eldon E. Fallon". The signature is written in a cursive style with a horizontal line underneath the name.

Honorable Eldon E. Fallon
United States District Court Judge

Exhibit A: PTO 29 PTO 43 Cases

| PTO 29 Cases: "Other" Injury Allegations | | | | | | |
|--|----------|---|--|--|-----------------------|---------|
| Subject Name | Category | Injury | Plaintiff Counsel Name (LMI) | Case Caption | Docket Number | Current |
| Anton, William L | PTO 29 | Other: Myocardial pathology | Alford Law Group, P. A. | Anton, William L. v. Merck & Co., Inc. | 2:08-cv-01016-EEF-DEK | EEF-DEK |
| Johnson, Charles E | PTO 29 | Other: Metastatic lung cancer. Hospitalized on 8/16/2000 with unstable angina; no evidence of myocardial infarction at that time. | Law Offices of Eric H. Weinberg // Viles & Beckman, PA | Johnson, Charles v. Merck & Co., Inc. | 2:09-cv-02404-EEF-DEK | EEF-DEK |
| Banton, Violet | PTO 29 | Other: Cardiovascular disorder | Law Offices of Robert J Fenstersheib & Assoc | Banton, Violet v. Merck & Co., Inc. | 2:08-cv-04914-EEF-DEK | EEF-DEK |
| Lawrence, Clinita K | PTO 29 | Other: Worsening of atherosclerosis; cardiac disease; cardiomyopathy; | Law Offices of Robert J Fenstersheib & Assoc | Lawrence, Clinita v. Merck & Co., Inc. | 2:08-cv-04904-EEF-DEK | EEF-DEK |
| Sorosky, Eugene E | PTO 29 | Other: TIA; cardiomyopathy. | Law Offices of Robert J Fenstersheib & Assoc | Sorosky, Eugene v. Merck & Co., Inc. | 2:08-cv-04932-EEF-DEK | EEF-DEK |
| Abshire, Pauline E | PTO 29 | Other: Syncope, TIA | Law Offices of Robert J. Fenstersheib & Associates | Abshire, Pauline v. Merck & Co., Inc. | 2:08-cv-04919-EEF-DEK | EEF-DEK |
| Figueroa, Isidro | PTO 29 | Other: TIA | Law Offices of Robert J. Fenstersheib & Associates | Figueroa, Isidro v. Merck & Co., Inc. | 2:08-cv-04920-EEF-DEK | EEF-DEK |
| Wodowski, Michael | PTO 29 | Other: Bilateral occipital lobe infarcts with right temporal lobe infarct | Miserendino, Celniker, Seegert, & Estoff, P.C. | Wodowski, Michael v. Merck & Co., Inc. | 2:08-cv-04559-EEF-DEK | EEF-DEK |
| Fick, Roland | PTO 29 | Other: Chest pain. | Viles & Beckman, PA | Fick, Roland v. Merck & Co., Inc. | 2:09-cv-02401-EEF-DEK | EEF-DEK |

Exhibit A: PTO 29 PTO 43 Cases

| PTO 43 Cases With Expert Reports: "Other" Injury Allegations | | | | | | |
|--|----------|---|---|--|-----------------------|---------|
| Subject Name | Category | Injury | Plaintiff Counsel Name | Case Caption | Docket Number | Current |
| Dumbell, Mabel C | FES | Pulmonary Embolism | Fibich, Hampton & Leebron, LLP | Barker, Rita B. v. Merck & Co., Inc. | 2:05-cv-06535-EEF-DEK | |
| Dunn, Velma | FES | Pulmonary Embolism/death | Jones, Jr., Bennie L. & Associates | Singleton, Catherine H. v. Merck & Co., Inc. | 2:09-cv-02413-EEF-DEK | |
| Garner, Elizabeth A | FES | Deep Vein Thrombosis | Salim, Robert L. | Black, Bill v. Merck & Co., Inc. | 2:05-cv-04452-EEF-DEK | |
| Germany, Severia A | FES | Pulmonary embolus | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK | |
| Happy, Anne H | FES | Bleeding gastric ulcerations | Getty & Childers, PLLC | Happy, Ann v. Merck & Co., Inc. | 2:05-cv-06143-EEF-DEK | |
| Hubner, Jo Anna M | FES | Deep vein thrombosis /Pulmonary Embolism | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK | |
| Jackson, Mary L | FES | Bilateral pulmonary embolism, deep vein thrombosis and death | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK | |
| Jacobs, Bonnie L | FES | Coronary artery disease | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK | |
| Jelden, Todd | FES | Pulmonary Embolism | Oldfather Law Firm | Atkinson, Allen v. Merck & Co., Inc. | 2:05-cv-04130-EEF-DEK | |
| Jones, Lynda G | FES | Pulmonary embolism | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK | |
| Knotts, Jerrilyn Kay S | FES | Transient ischemic attack | Salim, Robert L. | Black, Bill v. Merck & Co., Inc. | 2:05-cv-04452-EEF-DEK | |
| Kuykendall, Cheryl T | FES | Unspecified cardiac event | Salim, Robert L. | Cormier, Melvin v. Merck & Co., Inc. | 2:05-cv-04991-EEF-DEK | |
| Long, Stanley | FES | Gastric bleeding | Getty & Childers, PLLC | Long, Stanley v. Merck & Co., Inc. | 2:05-cv-06510-EEF-DEK | |
| Madlock, Janice S | FES | Pulmonary embolism | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK | |
| Major, Lynell | FES | Deep vein thrombosis and pulmonary embolism | Salim, Robert L. | Black, Bill v. Merck & Co., Inc. | 2:05-cv-04452-EEF-DEK | |
| Martin, Kristen M | FES | Perioperative pulmonary embolism | Fibich, Hampton & Leebron, LLP | Martin, Kristen v. Merck & Co., Inc. | 2:06-cv-06808-EEF-DEK | |
| Moore, Rebecca A | FES | Thrombotic occlusion of the distal aorta and thrombosis of left brachial artery | Chessick, Kenneth C., The Law Office of | Moore, Rebecca v. Merck & Co., Inc. | 2:06-cv-04296-EEF-DEK | |

Exhibit A: PTO 29 PTO 43 Cases

| | | | | | |
|-------------------|-----|---|--------------------------------|--|-----------------------|
| Moxter, Bobby L | FES | Transient ischemic attack | Fibich, Hampton & Leebron, LLP | Barker, Rita B. v. Merck & Co., Inc. | 2:05-cv-06535-EEF-DEK |
| Nolan, Maryann G | FES | Acceleration of atherosclerotic damage to her kidneys and renal failure. | Getty & Childers, PLLC | Nolan, Mary A. v. Merck & Co., Inc. | 2:05-cv-06146-EEF-DEK |
| Paculli, Deanna | FES | Pulmonary embolism | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK |
| Silva, Valerie A | FES | Pulmonary embolism | James, Vernon & Weeks, P.A. | Silva, Valerie A. v. Merck & Co., Inc. | 2:05-cv-01768-EEF-DEK |
| Russel, Donna C | FES | Transient ischemic attack | Oldfather Law Firm | Russel, Donna C. v. Merck & Co., Inc. | 2:06-cv-00781-EEF-DEK |
| Stone, Norlena | FES | Acceleration of damage to heart and valves associated with aortic insufficiency and mitral regurgitation. | Getty & Childers, PLLC | Stone, Norlena v. Merck & Co., Inc. | 2:05-cv-06511-EEF-DEK |
| Thornton, Linda C | FES | Coronary artery disease | Corea Firm, P.L.L.C., The | Alaniz, Oralia F. v. Merck & Co., Inc. | 2:06-cv-10281-EEF-DEK |
| White, Jackie K | FES | Splenic, renal and cardiac infarcts | The Law Group, Ltd. | White, Jackie v. Merck & Co., Inc. | 2:10-cv-00504-EEF-DEK |

Exhibit A: PTO 29 PTO 43

| PTO 43 Cases Without Expert Reports: "Other" Injury Allegations | | | | | | |
|---|----------|--------|--|--|-----------------------|---------|
| Subject Name | Category | Injury | Plaintiff Counsel Name | Case Caption | Docket Number | Current |
| Artis, Dennis C | FES | Other | Becnel Law Firm, LLC | Acosta, Ella M. v. Merck & Co., Inc. | 2:05-cv-04457-EEF-DEK | |
| Baum, Janice M | FES | Other | Pro Se | Heavrin, Michael v. Merck & Co., Inc. | 2:05-cv-00458-EEF-DEK | |
| Beasley, Sherwood | FES | Other | The Law Group, Ltd. | Beasley, Sherwood v. Merck Sharp & Dohme | 2:09-cv-07790-DEK-EEF | |
| Farris, Pamela | FES | Other | Girardi & Keese | Farris, Pamela v. Merck & Co., Inc. | 2:07-cv-06313-EEF-DEK | |
| Garcia, Richard A | FES | Other | Mainor, Eglet, Cottle LLP Motion to w/d filed 3/2/2010 | Chapman, Don v. Merck & Co., Inc. | 2:07-cv-00902-EEF-DEK | |
| Grice, Daisey M | FES | Other | Murray Law Firm | Allen, William E. v. Merck & Co., Inc. | 2:05-cv-04421-EEF-DEK | |
| Johnson, Bill | FES | Other | Murray Law Firm 1 | Allen, William E. v. Merck & Co., Inc. | 2:05-cv-04421-EEF-DEK | |
| Mayo, Veronica M | FES | Other | Lanier Law Firm, PC | Bell, Myrtle L. v. Merck & Co., Inc. | 2:05-cv-00546-EEF-DEK | |
| Meadows, Essie B | FES | Other | Murray Law Firm | Allen, William E. v. Merck & Co., Inc. | 2:05-cv-04421-EEF-DEK | |
| Rosa-Valle, Gladys | FES | Other | Wood Law Firm, LLC | Acevedo, Jose v. Merck & Co., Inc. | 2:06-cv-06997-EEF-DEK | |
| Smith, Sadie B | FES | Other | Pro Se | Kincaid, Inez v. Merck & Co., Inc. | 2:06-cv-11442-EEF-DEK | |
| Wince, Burse | FES | Other | Boone Law Firm, P.A. | Wince, Burse v. Merck & Co., Inc. | 2:08-cv-00241-EEF-DEK | |