

FORM LETTER
CLAIMS ON BEHALF OF DECEDENTS

(Date)

Dear (Client name)

We are writing to update you on the status of the Propulsid Product Liability Litigation and the Multi-District Litigation proceeding (MDL-1355) pending in the United States District Court for the Eastern District of Louisiana.

As you may know, thousands of people who took Propulsid have filed claims against Johnson & Johnson, Janssen Pharmaceutica, and other related entities. Some of the claims, such as yours, involve family members who died allegedly as a result of ingestion of Propulsid.

Over the last several years, attorneys representing the plaintiffs in these cases have spent millions of dollars and tens of thousands of man hours pursuing these claims. Three Propulsid cases have been tried to verdict. After costing the plaintiffs more than \$1 million dollars in expenses, two of the trials (California state court and New Orleans federal court) resulted in verdicts for the defendants. The third trial (Mississippi state court) initially resulted in a plaintiffs' verdict, but the Mississippi Supreme Court recently overturned the verdict and ordered the case to be tried again. A number of these trials involved claims for death as a result of Propulsid.

After years of investigation, the science developed thus far reveals that most people who took Propulsid suffered no provable injury or have problems caused by something other than Propulsid. To be successful in a claim against the defendants, it must be proven that Propulsid *caused* the death. Meeting this burden of proof is extremely difficult. Many doctors have refused to express an opinion that Propulsid caused the death.

In this context, we are pleased to report that we have reached a court-approved settlement agreement with the defendants to allow our Propulsid cases, including yours, to be reviewed by a team of court appointed medical experts (without cost to you) and resolved in a quick and efficient process.

After being appointed by the Court, this Medical Review Panel will place each claim into one of two categories:

- A. Claims in which medical records show injuries that can be directly linked to the use of Propulsid (Tier I, Tier II and Tier III as outlined in the Summary of MDL-1355 Term Sheet and as outlined in the MDL-1355 Term Sheet), and
- B. Claims in which there are no injuries, or in which the claimed injuries cannot be directly linked to the use of Propulsid.

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If your claim falls into Category A, you may be entitled to receive compensation. Death cases may be classified as Tier I cases provided additional factors relating to causation can be established by the Medical Review Panel from the medical records of the decedent. The exact amount of any payment will be made by a Special Master, who is a court appointed legal expert experienced in these types of personal injury actions. His decision will be final.

Although some claims will fall into category A, because the vast majority of Propulsid users cannot prove Propulsid caused an injury, most claims will fall into Category B. Most claimants, in other words, will receive no compensation.

Nonetheless, we are recommending to all of our clients that they participate in the settlement program. Here's why. As your attorneys, we have made our best efforts to find those cases that we think have injuries supporting the payment by the defendant. By participating in the settlement program, those cases which the plaintiffs' lawyers think are weak will get another review by a completely different group: the court appointed medical panel. Although it is unlikely that the attorneys missed many, provable claims, the second review is something that should provide reassurance about our conclusions.

If after the review, your claim still falls into Category B, you will not receive any compensation, although your lawyers may receive a \$250 cost reimbursement from the administrative fund to cover a portion of the expenses they incurred on your behalf in pursuing these claims. The \$250 payment will belong, and will be paid, to your attorneys.

Although you have the right to reject this settlement option and to pursue your case to trial, it is unlikely that you ultimately will be successful if the claimant's death cannot be shown to be directly and substantially caused by the use of Propulsid. A trial will be costly, time-consuming, and stressful, and for most people, will result in no recovery. Under the settlement program, your claim can be reviewed relatively quickly. Rather than waiting years for a trial date, your case can be evaluated in a matter of months.

The settlement agreement requires our firm to enroll all of our clients in the settlement program. We are not permitted to settle some cases and try others. This means that if you choose not to participate in this settlement process, you will need to employ other counsel to represent you in the future.

The attorneys who have worked for you in this litigation have pursued the case as far as it can go, and we are satisfied that reasonable efforts have been made to maximize the results for our clients. Our firm led the settlement negotiations that resulted in the settlement agreement. As attorneys who have participated in this litigation on a daily basis for almost five years, we strongly recommend this settlement program to you.

Enclosed for your review are copies of the court-approved MDL-1355 Term Sheet and a Summary of MDL-1355 Term Sheet.

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WE WILL BE OPTING YOUR CLAIM INTO THE SETTLEMENT PROGRAM UNLESS YOU RETURN TO US, VIA CERTIFIED MAIL, RETURN RECEIPT, AN OPT OUT FORM. THE OPT OUT FORM IS ENCLOSED. IT SHOULD ONLY BE RETURNED TO US IN THE EVENT YOU DO NOT DESIRE TO PARTICIPATE IN THE SETTLEMENT PROGRAM. YOU MUST RETURN THE OPT OUT FORM BY AUGUST 15, 2004 OR ELSE YOUR CLAIM WILL BE INCLUDED IN THE SETTLEMENT PROGRAM.

Should you desire to learn more about what is happening and has happened in the Propulsid Product Liability Litigation case pending in the Eastern District of Louisiana, MDL-1355, please visit the court's website which is located at "<http://propulsid.laed.uscourts.gov>".

We appreciate the trust that you have placed in our firm. If you have questions about the settlement program or would like to discuss your case in more detail, please call _____.

Remember, time is of the essence if you do not desire to participate in the MDL-1355 Settlement Program. Failure to return the Opt Out Form by August 15, 2004, will mean that we will opt your case into the Settlement Program.

Very truly yours,

LAW FIRM