

Multiple Documents

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: VIOXX®

MDL Docket No. 1657

PRODUCTS LIABILITY LITIGATION

SECTION L

Judge Eldon E. Fallon
Magistrate Judge Knowles

THIS DOCUMENT RELATES TO:

**PTO 28 PLAINTIFFS LISTED IN
EXHIBITS A & B TO MERCK
MOTION TO DISMISS.**

**PLAINTIFFS' OPPOSITION TO *THIRD* MOTION
AND RULE OF DEFENDANT MERCK & CO., INC., TO
DISMISS THEIR ACTIONS WITH PREJUDICE FOR
FAILURE TO PROVIDE CASE-SPECIFIC EXPERT
REPORTS UNDER PTO 28, AND IN SUPPORT OF THEIR
CROSS-MOTIONS FOR AN EXTENSION OF TIME TO CURE
SUCH DEFICIENCY, IF APPLICABLE, AND FOR RECUSAL**

INTRODUCTION

Defendant Merck & Co., Inc. ("Merck"), moves to dismiss the cases of the above-captioned plaintiffs whose actions were pending in MDL 1657 on November 9, 2007. Therefore, their actions are governed by this Court's Pre-Trial Order ("PTO") No. 28 entered that date. Merck moves for dismissal with prejudice on the basis that PTO No. 28's requirement that the plaintiff provide a case-specific expert report by certain deadlines set forth in this Court's May 30, 2008 Order ("May 30 Order"). Without any individualized showing, Merck goes for the jugular based on the expert report only, while contending that all of these plaintiffs have been in willful noncompliance with PTO 28 for over a year and implies their substantial disclosures in this litigation should be ignored and dismissal ordered based on "any" failure to comply with PTO 28 discovery requirements.

In any event, certain of the plaintiffs targeted by Merck's motion have submitted

case-specific expert reports at the time of this opposition, and this Court should not enter dismissal against them or plaintiffs for whom Suggestions of Death have been filed and/or there are proceedings pending in Surrogate Court. With respect to the remaining PTO 28 plaintiffs listed in Exhibits A and B, it is respectfully submitted they show good cause why their cases should not be dismissed.

First, certain of these plaintiffs oppose the motion on the ground that they seek to prove emotional injury and damages under New York state substantive law, which does not require case-specific expert testimony to make out a prima facie case where ingestion of the drug is shown. In light of the same, PTO 28's expert disclosure requirement is not applicable to those claims. Moreover, these plaintiffs have provided Merck with pharmacy records and authorizations, which, when read in conjunction with their verified Plaintiff Profile Forms (PPF) should be deemed as meeting the *Lone Pine* purposes of PTO 28, namely, to show some evidence of the claim they are making against Merck.

Second, dismissal is far too drastic a sanction in light of the substantial disclosures made by these plaintiffs prior to and since November 9, 2007, and in light of the subsequent proceedings herein. The sanction of dismissal is unwarranted, where alternatives are not taken into consideration, nor has there been any showing made by Merck that there is willful disregard in light of the efforts of plaintiffs' counsel to confer on and seek a reasonable stay of the expert requirement pending disposition of the Agard, et al. motion, which was subsequently denied in this Court's recent decision filed on December 11, 2008, two weeks after the instant motions to dismiss were filed.

The docket of these proceedings confirms PTO 28 was entered against non-settling plaintiffs with no motion or adversarial hearing, unlike the mass tort which was at a similar stage in litigation in In re: Rezulin Products Liab. Litig. (MDL No. 1348), 2005 WL 1105067, *1 (S.D.N.Y.) ("The lead defendants have moved for an order requiring plaintiffs to produce

case-specific expert reports.”) In contrast, here, the contemporaneous MSA, which would significantly reduce the Court’s docket of cases, became the only discernible predicate for the *Lone Pine* PTOs 28 and 29. It is inequitable in the first instance that the instant motion indicates plaintiffs now must fully comply or risk dismissal, apparently protected only by extensions of time for good cause shown. Plaintiffs submit that, if PTO 28 is a *Lone Pine* order with respect to the provisions therein requiring only the non-settling plaintiffs to retain and pay the full freight for a retained case-specific expert report without ordering Merck to pay or contribute to the cost of the same, or provide contradictory expert reports under similar tight deadlines considering the volume of cases, there is good cause not to dismiss these cases based on that order where, as here, Merck’s counsel has subsequently indicated they are capable of evaluating these cases, and deem them eligible, in order to encourage them to enter the settlement which its gate criteria, and have even suggested potential recovery of high values for undisclosed plaintiffs’ claims, evincing they have “some kind of evidence” of the injuries and ingestion without a case-specific expert report required outside the usual discovery and summary judgment rules.

Certain of the remaining plaintiffs cross-move for an extension of time to provide a case-specific expert report within a reasonable period of time after this Court resolves the issues they raise in this opposition to Merck’s motion to dismiss now that such reports have been provided for many of the other plaintiffs. They submit there is good cause to believe they should be provided a reasonable opportunity by extended deadlines in PTO 28 based on their prior disclosures, and because this Court’s disposition of the prior plaintiffs’ motion to amend PTO 28 was only recently decided two weeks after Merck filed the motion to dismiss.

Plaintiffs also seek to preserve and not waive for appeal the arguments that the Master Settlement Agreement (MSA) should not have been consummated without adherence to Rule 23; that PTO 30 improperly prevents plaintiffs from propounding any discovery to

Merck or the negotiating committee with regard to the negotiations leading up to the MSA. Finally, they cross-move for recusal in light of this Court's refusal to resign from its position as Chief Administrator of the MSA on the ground recusal is warranted pursuant to 28 U.S.C. §§455 and 144.

These plaintiffs now turn to their opposing statement of facts.

STATEMENT OF FACTS

"On November 9, 2007, the parties announced the establishment of a Vioxx Resolution Program that encompasses all claims that allege a heart attack, sudden cardiac death, or stroke." *In re Vioxx Prods. Liab. Litig.*, 557 F.Supp.2d 741,742 (E.D. La. 2008). "Also on that date, the Court entered two pre-trial orders requiring Plaintiffs to provide certain information to Merck by certain deadlines." *Id.*

That these orders apply only to nonsettling plaintiffs appears on the face of each. By its terms, PTO 28 applies "unless the claim is eligible for, and has been submitted to, the Resolution Program." *Id.*, at p.1. The MDL 1657 docket confirms that, prior to the entry of PTOs 28 through 30, defendant Merck had not filed any Rule 37 motion to compel disclosure or based on spoliation of evidence as to medical records. However, PTO 28 imposes extensive and costly preservation and discovery requirements on the non-settling plaintiffs only. They place no preservation or discovery requirements or costs on Merck, whom the same are intended to benefit. Nor do these orders recite any factual rationale for the requirements that plaintiffs produce certifications from third parties not before the court and affidavits from plaintiffs making assertions about third-party custodial records that are outside their personal knowledge. PTO 28 mandates that Merck "shall" provide a notice for any failure to meet the stated deadlines, and "shall" file motion for an order to show cause why a plaintiff's case should not be dismissed with prejudice for failure to "cure the deficiency" within the

stated deadlines.

PTO 28 clearly imposed new “discovery” requirements on plaintiffs. It also imposed stringent “preservation” requirements that were not previously in place, and imposed registration deadlines on plaintiffs that were required in order to opt in/out of the MSA settlement program, which these plaintiffs complied with. *See* excerpt of MSA registration requirements annexed hereto as **Exhibit A**. This process required listing of all of counsel’s Vioxx clients, whether in state or federal court and providing a myriad of information as to their claims and legal actions.

January 15, 2008, was the original opt in/out deadline, and after that date, the plaintiffs remaining on the docket in MDL 1657 are clearly non-settling plaintiffs only. However, the docket confirms orders have been issued that affect only the parties to the private agreement. For example, on January 14, 2008, this Court entered an Order formally appointing a Special Master “pursuant to the terms of the Settlement Agreement, the inherent authority of the Court and any applicable Federal Rule of Civil Procedure.” 1/14/08 Order (Document 13228), at p. 1.

On March 13, 2008, in compliance with the preservation requirements under PTO 28, plaintiffs’ counsel submitted forty-five (45) Statements of Notices Sent to pharmacies and medical providers for the plaintiffs whose cases were pending in MDL 1657 at that time. *See* Transcription Receipts annexed hereto as **Exhibit B**.

On May 22, 2008, after extending the deadline for producing case-specific expert reports, this Court heard arguments by the Oldfather firm on its motion to vacate and modify PTO 28 with regard to the case-specific expert report requirement. On May 30, 2008, this Court filed a decision denying the motion and setting new deadlines of July 1 and August 1, 2008. *See* May 30 Order, reported at *In re Vioxx Prods. Liab. Litig.*, *supra*, 557 F.Supp.2d 741 (E.D.La. 2008).

On June 30, 2008, prior to the above deadlines, plaintiffs' counsel filed a motion under the caption Agard, et al., seeking, among other things, an order amending PTO 28 with respect to the requirement to file a case-specific expert report, and a stay. See Docket, Documents 14938, 14938-2 and 16803.

On August 12, 2008, in a Transfer Order, the Judicial Panel on Multi-District Litigation denied motions in eight (8) actions to remand to state court, ruling that: "Plaintiffs can present their motions for remand to state court to the transferee judge." See 8/12/08 Panel's Transfer Order, as stamped by the Clerk of the Eastern District of Louisiana on 8/21/08, annexed hereto as **Exhibit C**, at p. 1. On August 21, 2008, the Clerk of this Court, upon completed transfer to MDL 1657, docketed these actions and assigned docket numbers for this Court. *Id.* Two other cases had been transferred to MDL 1657 in July 2008, while the aforesaid motion was pending.

On September 22, 2008, plaintiffs' counsel submitted a reply memorandum in the pending Agard motion proceedings that attached as exhibits two case specific expert reports for two Benjamin plaintiffs that were prepared by Steven A. Rich, M.D., in compliance with this requirement of PTO 28. See reports annexed in **Exhibit D**./*¹ Annexed to each report is a statement for services that indicates this expert charged \$1,500.00 and \$1,000.00, respectively, and his rate is \$500.00 per hour. PTOs 28 and 28 clearly require the plaintiffs to retain an expert since they cite Fed.R.Civ.Pr. 26(a)(2), but do not require Merck to provide contradictory reports as required by that Rule 26(a)(2)(B). Plaintiffs submit Merck cannot dispute that the aforesaid expert's hourly rate or time are the kind of expense each plaintiff must incur to comply with the *Lone Pine* order.

¹*/The two plaintiffs, Agard and Bozich, are not named in the motion to dismiss. However, the cost of producing this "brief" expert report are mentioned as significant facts in support of plaintiffs' arguments that good cause is shown not to enter dismissals for failure to comply with the case-specific expert report requirement of PTOs 28 and 29.

On October 8, 2008, in an “Order Scheduling Conferences”, filed under the MDL 1657 caption, this Court noted that the “final deadline to enroll in the Vioxx settlement program [to] October 30, 2008.” 10/8/08 Order (Document 16419), at p.1 (“October 8 Order”). The Order states: “The Court will hold three Case Management Conferences to ensure that plaintiffs who are eligible for the Vioxx settlement program but who have not enrolled in the program, by, among other things, submitting a release to the Claims Administrator, have all necessary information available to them so that they can make an informed choice.” *Id.* All of the plaintiffs represented by the Benjamin firm were directed to appear in Manhattan in person, along with their counsel, for “Conference B” “unless it would be a physical or economic hardship for that Plaintiff to attend the conference in person.” *Id.*, and Exhibit B thereto.

On October 16, 2008, the Benjamin plaintiffs filed an expedited motion to reconsider and vacate the October 8 scheduling order compelling their appearance. (*See* Docket, Documents 16419 and 16459.) Thereafter, counsel notified the Court of the clients who could not attend due to financial hardship or disability. (*Id.*, Document 16458.)

On October 21, 2008, the mandated “Case Management Conference” occurred in Manhattan with the MSA Special Master Patrick Juneau present in person and this Court present by live video. Attendees were advised that the Special Master and settlement attorneys Brown Greer were present to sit down with individual counsel and plaintiffs to give them an idea of what they would get if they opted to enter the settlement program after this Court reiterated the statements in PTOs 28 and 29 to ensure the plaintiffs had that information before expiration of the extended October 30 opt-in date.

On October 22, 2008, Merck’s attorney Douglas R. Marvin of Williams & Connolly LLP, e-mailed a letter to plaintiffs’ counsel which confirms the “Case Management Conference” had been convened so that this Court could “ensure that the parties understood

the settlement process,” and advising, *inter alia*, that:

[W]e have reviewed the records for some of your clients and have found that they would be eligible for payments in substantial amounts. For example, in one instance, our records reflect that one client would be entitled to approximately 240 points or about \$450,000, assuming documents are submitted to show use that is consistent with the statements made in the Plaintiff Profile Form. Another would receive about \$220,000.00, assuming the necessary documentation to meet the Gate Criteria. Of course, these amounts would be available only if these clients were to enter the settlement program before the deadline. There is no program of any kind for claims outside the program.

See **Exhibit E**, at pp. 1-2.

On the same day, October 22, 2008, Merck’s attorney M. Elaine Horn sent two deficiency notice letters to plaintiffs’ counsel citing PTO 28¶II(D). See Letters annexed in **Exhibit F**. One letter states: “This letter only addresses your missing expert report. If we determine that the other materials you have submitted are materially deficient and/or that other required materials are missing, those deficiencies will be identified in a separate letter. See Ex. F#1, at p. 2 n.1. The letter acknowledges that “you have submitted some materials relating to the discovery requirements of Section II of PTO 28....” *Id.*, at p. 2.

The other October 22 “separate” letter from attorney Horn contradicts the first letter in that it states, “We have not received any materials from you relating to the discovery requirements of Section II of PTO 28.” See Ex. F#2, at p. 1. It goes on to state: “If *any* failure to comply with PTO 28 is not cured, Merck will file a Motion . . . as specified in Section II.D. of the Order.” *Id.*, at pp. 1-2.

On or about October 24, 2008, Merck’s counsel forwarded a set of settlement releases and stipulations, as well as a list of the plaintiffs represented by the Benjamin firm setting forth “VCN” numbers next to their names and an “Eligibility Status” for each that states “Merck Deems Eligible.” See **Exhibit G**.

On October 27, 2008, plaintiff’s counsel faxed a letter to attorney Horn asking to

“meet and confer” on his request that Merck “agree to hold off making any motions until such time as there are rulings on both the Agard and Oakley motions, or at minimum, until the Agard motion is decided.” See **Exhibit H**. Horn responded that Merck would file motions after November 21, and plaintiff’s counsel replied that he “must interpret the same as a refusal to provide an extension of time as requested...” and indicating he would seek a conference with this Court. See October 28 and October 29 Letters, respectively, annexed in **Exhibit I**.

On November 5, 2008, plaintiff’s counsel submitted “a request for a pre-motion conference for the purpose of staying further motions by Merck for noncompliance with PTO 28...” See **Exhibit J**, at p. 1.

On November 13, 2008, Merck’s counsel responded to the request in a letter to this Court stating, *inter alia*, that, “Pending the Court’s ruling on the *Agard* motion, compliance with PTO 28 should not be stayed.” See **Exhibit K**, at p. 2. He states PTO 28 allows compliance with the order to be made even after the motion to dismiss is filed. *Id.*

On November 26, 2008, while plaintiffs’ counsel’s request for a pre-motion conference was pending before this Court,^{2*} Merck filed the instant “*Third* Motion, Rule and Incorporated Memorandum to Show Cause” (hereafter “Merck Motion”),^{3*} in which it seeks an order of this Court dismissing with prejudice the complaints of sixty-one plaintiffs represented by undersigned counsel Ronald Benjamin (“Benjamin plaintiffs”) for “failure to provide a case-specific expert report as required by Pre-Trial Order No. 28 (“PTO 28”).” *Id.*, at p. 1.

^{2*}/Plaintiff’s counsel is not aware that the request for a pre-motion conference was ruled on, but believes the same should be considered on the issue of good cause.

^{3*}/The record should be clear that, although this is labeled as Merck’s “third” motion, it is the first and only motion against the above-captioned plaintiffs.

On December 1, 2008, this Court issued the instant Order to Show Cause, and set December 31, 2008, for plaintiffs' opposition. (Document 17108.)

On December 11, 2008, two weeks after the motion was filed, this Court's Decision dated December 10 was filed in Agard, et al., and denied in its entirety their motion to amend PTO 28 and for other relief.

Plaintiffs herein now turn to their arguments.

ARGUMENT

I.

DISMISSAL SHOULD NOT BE GRANTED AS TO PLAINTIFFS WHO HAVE PROVIDED CASE-SPECIFIC EXPERT REPORTS.

In light of this Court's December 10 Decision, case-specific expert reports have been provided to Merck in compliance with PTO 28 for the following Post-11-09 plaintiffs listed in Exhibit A: (1) Scott Berthel, (2) Matthew Cavallo, (3) Richard F. Core, (4) Marjorie Curtis, (5) James Demoski, (6) Edward Henderson, (7) Kristina Hia, (8) Mary Kurtz, (9) Wilson Lord, (10) Ann M. Mannino, (11) Arthur Pratt, (12) Maurice Hoyt, and (13) Viola Santacrose.

The plaintiffs respectfully submit that the same provides good cause not to dismiss their cases.

II.

DISMISSAL SHOULD BE DENIED AS TO PLAINTIFFS FOR WHOM SUGGESTIONS OF DEATH HAVE BEEN FILED AND/OR THERE ARE ONGOING PROCEEDINGS IN SURROGATE COURT

Four PTO 28 plaintiffs on Exhibits A and B -- Marjorie Connolly, Ronald O'Connor, Sheila Smith and William Patrick - - have died since they commenced the litigation and after their cases were transferred to MDL 1657. Suggestions of Death have been filed with this

Court. A motion to substitute the personal representative of Ms. Connolly's estate was filed July 30, 2008, (Document No. 15447), and remains pending before this Court. A Suggestion of Death was filed for Ms. Smith on May 1, 2008, and amended on December 30, 2008 (*see* Document 17568), and a petition has been filed in New York Surrogate Court for the issuance of limited letters to prosecute this action. A Suggestion of Death for Mr. Patrick, who died August 1, 2008, was filed in this Court on December 30 (Document 17569), and one was filed for Mr. O'Connor, who died July 2, 2008, was filed December 31 (Document 17571).

Moreover, our records confirm that, prior to their deaths, PPFs and authorizations were executed by these plaintiffs personally and provided to Merck's counsel. *See* 7/7/06 LexisNexis Transaction Receipts, annexed hereto as **Exhibit L**. It is respectfully submitted dismissals should not be granted in these cases of deceased plaintiffs at this time, and instead should be held in abeyance or allowed extensions of time to comply after the prerequisites of estate proceedings and the grant of motions to substitute by this Court.

III.

DISMISSALS ARE NOT WARRANTED AS TO THE PTO 28 PLAINTIFFS BASED ON GOOD CAUSE SHOWN.

This Court has ruled that PTO 28 is designed to "strike a balance between efficiency and equity." *In re Vioxx Prods. Liab. Litig.*, 557 F.Supp.2d 741,743-44 (E.D. La. 2008). Plaintiffs' statement of fact and exhibits evince a number of grounds on which this Court should find they show good cause why their cases should not be dismissed for failure to provide case-specific expert reports under PTO 28, and extensions of time to comply are appropriate.

Plaintiffs discuss below the further matters and arguments they submit support finding good cause under the facts and circumstances applicable hereto.

A. The Toxicity of Vioxx Has Already Been Proven in This Litigation and, Thus, Plaintiffs Complaining of Emotional Distress Damages under New York State Substantive Law on Tort Are Required to Show Ingestion, but Not to Make A Further Showing by Retained Expert Testimony.

This Court has already engaged in a choice of law analysis and concluded the substantive law of each plaintiff's jurisdiction must be applied to his or her respective claims. *In re Vioxx Prods. Liab. Litig.*, 239 F.R.D. 450, 456 (E.D. La. 2006). This Court has further recognized that in some of the claims pending before it plaintiffs seek compensatory damages for "emotional and other intangible injuries." *Id.*, at 462.

New York is one of the jurisdictions which recognizes claims for the negligent infliction of emotional distress even though no physical injury occurred. *Kennedy v. McKesson Co.*, 58 NY 2d 500, 504, 462 NYS 2d 421, 448 NE 2d 1332. Plaintiffs submit that not requiring expert disclosure on emotional distress sustained by plaintiffs under the New York law is mirrored by the federal rules to the extent that no written reports are required for treating physicians to present opinions on causation. *Hamburger v. State Farm Mutual Auto Ins. Co.*, 36 F.3d 875, 882 (5th Cir. 2004). Rule 26(a)(2)(B) relates to a retained or employed experts, and places no corresponding duty on Merck despite the Court's rulings on the maturity of this litigation and the obvious reduction of the cases to be managed.

In turning to the case specific expert disclosure portion of PTO 28, the Court concluded in its December 10 Decision that the argument "under scrutiny... amounts to little more than a thinly-veiled motion to vacate the order." *Id.*, at p. 9. The Court, as well as Merck, fail to set forth any reasonable explanation as to why, when information has been provided as to both ingestion and nature of the injury as well as time of onset, anything further is required outside the normal course of discovery and motions practice since the Daubert hearings adequately demonstrated the cardiotoxicity of Vioxx. Moreover, all of

these plaintiffs sustained the emotional distress of being exposed to a toxic substance, as confirmed by their verified PPFs and medical/pharmacy records, and since existing state law does not require case specific expert disclosure to support these claims, the requirement in PTO 28 for case specific expert disclosure should not result in dismissal with prejudice under any circumstances.

B. Dismissal Is Not Warranted Inasmuch as Plaintiffs Are in Substantial Compliance With the Discovery Requirements of PTO 28, and Less-Than-Full Compliance As to the Expert Report in PTO 28 Is Not Willful and Does Not Meet the Standards for Dismissal with Prejudice.

Merck divides the 61 plaintiffs targeted for dismissal into two groups. It alleges those on Exhibit A “have not provided *any* of the discovery materials required under PTO 28 including the case specific expert report.” Merck’s Motion, at p.2, n.3 [emphasis in original]. According to Merck, the Exhibit B plaintiffs “have provided at least one of the items set forth in the discovery requirements of PTO 28, but have not provided the required case specific expert report.” *Id.*

It is respectfully submitted Merck’s aforesaid allegations actually support the plaintiffs’ opposition in that Merck suggests plaintiffs are all in complete or substantial default (an allegation which is patently untrue), in order to justify the imposition of the harshest sanction available, namely, not-on-the-merits dismissal with prejudice. Merck is overstating its case by portraying the plaintiffs in Exhibits A and B as intentionally recalcitrant in providing the required discovery, and that their conduct somehow makes it impossible for Merck or the Court to proceed, when the evidence is to the contrary and was to the contrary on and since November 9, 2007.

Merck is fully aware that these plaintiffs were at various stages of providing disclosure to Merck, including the Plaintiff Profile Form (“PPF”) and multiple authorizations

for the release of pharmacy and medical records, as well as copies of records and reproduction on CD disks. *See, e.g.*, Cover letters to Merck's counsel and LexisNexis Transaction Receipts regarding these materials and plaintiffs' answers to interrogatories, annexed in **Exhibit M**. These documents show that the plaintiffs provided substantial disclosures more than one year ago and since November 9th. In any event, plaintiffs submit this Court ruled out a construction of PTO 28 that would require them to provide duplicative or unnecessary disclosures of the same material previously and adequately provided to Merck's counsel. In that regard, it is only necessary to note that PTO 28 expressly provides:

The Plaintiff need not re-submit a Plaintiff Profile Form if one has already been submitted with respect to his or her claim.

Id., p. 4, Section II(D). Vioxx was pulled off the market on September 30, 2004, which strongly suggests no additional pharmacy records will be disclosed as to Merck's liability. Moreover, Merck has made no individualized showing of the need for supplemental or additional authorizations after of November 9, 2007. For example, the same are certainly not required for Sheila Smith who died in June 2007, Richard Core and Ronald O'Connor in July 2007, and Marjorie Connolly in September 2007, given their deaths occurred during the course of litigation and prior to the entry of PTO 28.

It is significant that Merck takes the broadbrush approach of asserting all plaintiffs have not fully complied with PTO 28 or provided required discovery materials without any individualized showing, and apparently suggest that dismissal is warranted for willful disregard in general or because they are represented by Benjamin. Plaintiffs submit that PTO 28 expressly conditions Merck's right to send the deficiency notice to "Plaintiffs who fail to fully comply with the requirements of this Order..." *Id.*, at Section II(D). However, PTO 28 clearly does not state that dismissal is automatic dismissal for any failure to comply, inasmuch as that fate is only expressly imposed for: "***Any failure to respond to the Motion***

within the required period of time shall lead to dismissal of the claim with prejudice. . . .” *Id.* [emphasis added]. No similar automatic dismissal is provided in PTO 28's terms, and should not be read into the order by implication.

Thus, PTO 28 adopts the federal rules and does not appear to allow a non-individualized show cause motion by Merck or automatic dismissal for “any” failure, in that the order indicates the motion must be against each plaintiff since it refers to, “If Plaintiff fails to cure the deficiency”. *Id.* Despite the fact that Merck concedes partial compliance by all on Exhibit B (and should as to PTO 28 plaintiffs in Exhibit A), this Court should not place an imprimatur on its contention that any “deficiency” results in a sudden-death dismissal, and its attorneys can, before filing a motion, simply turn their backs on any request of plaintiffs’ counsel to meet and confer or narrow the contested discovery.

That an individualized notice and showing should be required is illustrated by plaintiffs Marjorie Connolly and Sheila Smith, in reference to whom Merck was already served with the Suggestion of Death well in advance of bringing on the motion. Plaintiff William Patrick died August 1, 2008, the date his case-specific expert disclosure would have been due, so there was no real opportunity to cure the deficiency prior to obtaining letters of administration, or to avoid a motion through meet-and-confer as Benjamin requested.

It is also respectfully submitted PTOs 28 and 29 do not take into consideration those New York state law plaintiffs whose PPFs identify either bodily or no bodily injury which only entitles them to prove emotional distress damages based on ingestion, or the fact that no case-specific expert report is legally required to prove such intangible injuries, or that the plaintiffs provided pharmacy and medical records showing ingestion. Indeed, Merck reads PTO 28 in overbroad and inequitable terms that entitle it to dismissal where there is either untimely or less-than-full compliance by serving a group deficiency letter and motion with no individualized showing at all. This approach should be flatly rejected. Merck’s

further attempt to back-door other alleged discovery deficiencies into the equation to bolster the likelihood of dismissal should likewise be rejected.

Here, Merck unabashedly seeks dismissal with prejudice by construing PTO 28 as authorizing a Rule 37 sanction or a Rule 41 involuntary dismissal for “any” untimely failure to fully comply with the discovery requirements. It does so despite having represented that there are Benjamin plaintiffs deemed conditionally eligible for a recovery in the settlement program. This is either a reckless representation, or Merck’s counsel must have some basis for the October 21 conference. In light of these events, this Court should not adopt that kind of form-over-substance view of the consequences of “any” failure to “fully” comply with PTO 28. Indeed, the Fifth Circuit has made clear that:

[A] dismissal with prejudice would only be affirmed upon a showing of (a) a clear record of delay or contumacious conduct by the plaintiff, and (b) where lesser sanctions would not serve the best interests of justice. . . . We also noted the significance in our decisions of the presence of certain "aggravating factors", such as (1) the extent to which the plaintiff, as distinguished from his counsel, was personally responsible for the delay, (2) the degree of actual prejudice to the defendant, and (3) whether the delay was the result of intentional conduct.

Morris v. Ocean Systems, Inc., 730 F.2d 248, 252 (5th Cir. 1984).

In the case at bar, among other things, plaintiffs’ counsel sought a stay while the *Agard* motion was pending, the outcome of which might have led to revising the case-specific expert report requirement. A stay under those circumstances is clearly reasonable conduct. *See, e.g.*, Magistrate Judge Knowles’ recent rulings in *Dresser v. Meba Medical & Benefits Plan*, 2008 WL 2705584, *2 (E.D.La.). Moreover, plaintiffs submit, *Lone Pine* orders are not written in stone, nor do they require a motion to vacate. *See, e.g.*, *Baker v. Chevron USA, Inc.*, 2006 WL 2251821 (S.D. Ohio), in which the district court found the magistrate’s decision to revise a *Lone Pine* order was reasonable and promoted efficiency in litigation. *Id.*, at *3. Nor, plaintiffs submit, should such orders function as a substitute for

summary judgment procedure that does not follow Rule 56(c) principles. *See discussion in Simeone v. Girard City Bd of Educ.*, 171 Ohio App.3d 633, 644-45, 872 N.E.2d 344 (Ct.App. 11th Dist. Ohio 2007). This is even more applicable here since, at the October 21 Case Management Conference in Manhattan, Merck's counsel and the Special Master indicated they were prepared to discuss each plaintiff's case and advise them about the potential recovery under the settlement, and later advised plaintiffs' counsel in a letter that two of his cases, pending confirming records, were worth \$450,000 and \$220,000, respectively, on the settlement grid. Clearly, then, Merck and its counsel already have the kind of evidence they need, for at least most of these plaintiffs, that obviates the need for the case-specific expert report envisioned by PTO 28. This would also indicate that it would be just and equitable revision of the *Lone Pine* provisions of PTOs 28 and 29 if some or all of the cost of the expert reports were borne by Merck given its counsel's representations that all of these plaintiffs are deemed eligible for the MSA resolution program based on documentary evidence without the expert report.

While this Court has explained the rationale for the case-specific expert reports, that rationale does not support the discovery obligations set forth in PTOs 28 and 29 that are clearly not limited to what the plaintiffs should have known before commencing litigation, and require affidavits from the plaintiffs attesting to the completeness and production of third-party records and custodians as to which the plaintiffs have no personal knowledge, but may be held to perjury sanctions if the third-party has not provided complete records. Moreover, Merck has already been provided with authorizations, yet the record before this Court contains no assertion by Merck, under oath or otherwise, that the authorizations plaintiffs have already provided have resulted in its inability to obtain "complete" records from the third-party pharmacies, health care providers, insurers and others.

Plaintiffs will not reiterate the arguments the Court has rejected as "hollow."

December 10 Decision, at p.8. It is, however, necessary to contrast the instant case where Merck has been provided chapter and verse on ingestion and nature of the injury as well as the applicable scientific evidence as it relates to cardiovascular injuries with circumstances such as existed in *Acuna v. Brown & Root, Inc.*, 200 F.3d 335 (5th Cir. 2000). In *Acuna* the court was facing some 1,600 plaintiff suing more than 100 defendants for injuries that spanned over 40 years. If, indeed, the Court is *sua sponte* interested in some kind of basic evidence of specific causation (which plaintiff contends constitutes an abuse of discretion on the facts and circumstances of cases before the court), requiring plaintiffs to provide more becomes a substitute for summary judgment procedure under the rules. No trial date has been set for any of these plaintiffs, nor has this Court indicated remand to the transferor court for trial is imminent, so it is unlikely that the extensions of time sought herein will result in substantive or across-the-board delay.

The arguments with regard to the expert disclosure required by PTOs 28 and 29 have already been advanced so the contentions herein are limited to show that plaintiffs have fully complied with the same or are in substantial compliance sufficient to show cause to defeat Merck's motion on this ground.

C. Plaintiffs Reiterate the Previous Objections to PTO 28 Through 31 to Preserve the Same and Amplify Arguments Regarding the Inequity and Impropriety of the Preservation Requirements in PTO 28 and That Their Issuance Contravenes Existing Law and Constitutes an Abuse of Discretion to the Extent Such Automated Be Unilaterally Imposed by the Court Without Notice to the Parties

Plaintiffs reiterate their contention this is not a private agreement and that it should have been subject to rule 23; and a hamstrung from seeking any proof such as propounding discovery to Merck or the PSC with regard to conduct leading up to the MSA, as well as the submission of any proposed orders which plaintiffs believe resulted in the issuance of PTO's

28 through 31.

In turning to the discussion regarding the preservation requirements imposed by the court is only necessary to begin by stating that the extensive notices required by the court, even though there was a previous preservation order in existence that no one complained of with regard to lack of compliance, coupled with requiring plaintiffs to submit affirmations has to completeness of third-party custodial records as to which they have not personal knowledge denies plaintiff to process of law, and constitutes an abuse of discretion to the extent the same exist to issue such an order in the first instance sua sponte. Moreover, the duty to preserve is a matter of substantive state law which at minimum, would have required a minimal showing to secure such an order in the first instance, and then a determination of who should bear the costs of any preservation.

At the outset, plaintiff submits that while the discussion below regarding state law demonstrates that the same result would adhere under federal law. The issuance of the preservation order is "by no means automatic, even in a complex case. *Smith v. Boeing Co.*, 2005 US Dist. LEXIS 36,890 (D. Kan. 2005). In this case there has already been a preservation order issued and in place for almost 3 years with out either party claiming any violations. (See PTO 1). In *Capricorn Power Co., v. Siemens Westinghouse Power Corp.* 220 FRD 429 (W.D. Pa. 2004), the court set forth the following three-factor test to determine whether or not to issue a preservation order:

1) the level of concern the court has for the continuing existence and maintenance of the integrity of the evidence in question in the absence of an order directing preservation of the evidence; 2) any irreparable harm likely to result to the party seeking the preservation of evidence absent an order directing preservation; and 3) the capability of an individual, entity, or party to maintain the evidence sought to be preserved, not only as to the evidence's original form, condition or contents, but also the physical, spatial and financial burdens created by ordering evidence preservation.

Id., at 433-34 [footnote omitted].

Assuming the preservation order in PTO 28 was on notice to plaintiffs, Merck nevertheless fails to meet the first two prongs, because there already is a preservation order in place (PTO 1) and Merck has made no showing that should give the Court any concern with regard to maintenance of the integrity of the evidence which is the subject matter of PTO 28. More importantly perhaps, not even a passing glance was given to the financial burdens imposed upon the plaintiffs by the preservation and case-specific expert report requirements of PTOs 28 and 29.

In *Capricorn Power*, the court suggested the cost of preserving documents might be shifted to the party seeking preservation. In *Treppel v. Biovail Corp.*, 233 FRD 363 373 (S.D. NY 2006), the court indicated that if the party demanding preservation seeks information that is only marginal relevance but costly to retain, rather than denying a preservation order altogether, it may condition the same upon the requesting party assuming responsibility for part or all of the expense. Here, Merck does not issue subpoenas and plaintiffs are required to send notices to third-party custodians of medical records regardless of relevance, again under pain of dismissal with prejudice. Even if one could argue the reason Vioxx was ingested in the first place has some relevance rather than the ingestion itself, it would be deemed sufficiently tangential to warrant imposition of the cost of preservation to the party seeking the same, namely Merck. Plaintiff now turns to state law on this issue.

State Farm Casualty & Fire Ins.Co., v Frigidaire, 146 FRD 160 (N.D.Ill. 1992), the court held that pre-suit duty to preserve was substantive and that as such state law governs. The court's analysis would hold with equal force to the post-suit duty to retain medical records under New York law alone should alleviate any concerns with regard to the preservation of medical records since the intentional destruction of those records is a misdemeanor punishable by up to a year in jail. *See, e.g.,* Sections 175.05 and 215.40 of the

NY Penal Law.

New York requires long-term retention of records by all physicians which requires them to maintain adult patient records for at least 10 years. New York Educ. Law Section 6530 (32). The failure to maintain those records for each patient constitutes professional misconduct. *See* 8 NYCRR 29.2 (a) (3). The same is true for hospital records (10 NYCRR 405.10) and for nursing homes (8 NYCRR 415.22.)

Finally, although this Court stated that it serves as Chief Administrator of the MSA “in an administrative capacity that has no substantive effect on its management of the MDL proceedings” (Decision, p. 6), plaintiffs respectfully submit that pursuant to ___ of the MSA this Court has ultimate authority for substantive decisions with regard to whether or not plaintiffs are eligible for compensation under the MSA. Although the Court may be able to sort out the different standards to be applied to the identical language in the MSA and in the definitions portion of PTO 28 excluding virtually all cardiovascular injuries except heart attacks, sudden cardiac death, and strokes, a layperson is hardly able to grasp such subtle distinctions and would harbor doubts about the Court’s impartiality in adjudicating these issues. (*See, e.g.*, Agard Affidavit, Document 14938-3, at paras. 57-58.)

It is worth reiterating the premise that the goal of multidistrict litigation is to “promote the just and efficient conduct” of civil actions (28 USC 1407(a)), or the public’s overriding interest in securing “the just, speedy and inexpensive determination of every action” (Fed.R. Civ. P. 1). Yet, when facing an ends-justifies-the-means requirements on non-settling plaintiffs which is the guts of PTOs 28 and 29, plaintiffs submit, these basic principles governing litigation in the federal courts and MDL proceedings must be asserted to preserve the rights embodied therein. Once a decision is clothed in the greater good, whether characterized as simply making bad arguments for good causes, or, as here, taking action without limitation under existing rules, there are simply no limits to achieving the

“ends,” which here appears to favor dismissal of the claims of non-settling plaintiffs that are viable under the applicable state tort law and already supported by substantial disclosures.

D. The Dismissal Motion by Merck Should Be Heard by Another Judge and This Court Should Recuse In Light of Its Role As Chief Administrator of the MSA Program.

Plaintiffs respectfully submit that the Court’s refusal to resign his position as Chief Administrator of the MSA while presiding over MDL 1657 and this motions practice requires recusal pursuant to 28 USC §455, because of the previous arguments that the Court would be making substantive decisions about identical issues regarding exclusion of injuries under the MSA which would also be presented to the Court in its judicial capacity, which, at this juncture appear to include eliminating the emotional damage claims available under state law, despite this Court’s prior decision on the issue.

Plaintiffs further submit that the *sua sponte* issuance of the definitional sections set forth in PTOs 28 and 29 which mirror the exclusions in the MSA but are being vigorously contested by litigants in MDL 1657 requires recusal pursuant to Section 455 (a) in that by adopting the exclusions in the MSA a reasonable person may question the Court’s impartiality in connection with the adjudication of whether or not “lesser” cardiovascular injuries not included in the definitional portion of PTO 28 may be proven by existing scientific evidence.

Plaintiffs respectfully submit that it is difficult to view the October 21 Case Management Conference followed the next day by the October 22 notice to Benjamin plaintiffs as isolated and unrelated events, given the timing and presence in court of the MSA Special Master and settlement attorneys. Plaintiffs believe it is not a stretch to conclude a reasonable plaintiff and counsel would be induced to have precisely the type of

doubt about the Court's partiality that should result in recusal, if for no other reason than to avoid the appearance of impropriety.

CONCLUSION

For the foregoing reasons, plaintiffs respectfully submit that this Court should DENY the Merck's motion to dismiss their cases with prejudice on the ground of failure to provide a case-specific expert report under PTO 28, and should grant plaintiffs' cross-motions for extensions of time and the Court's recusal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald R. Benjamin", is written over a horizontal line.

RONALD R. BENJAMIN Fed. No. 110131
LAW OFFICE OF RONALD R. BENJAMIN
126 Riverside Drive, P O. Box 607
Binghamton, New York 13902-0607
607/772-1442

Attorneys for Individual Plaintiffs
in Above-Captioned Actions

Registration Affidavit

I, Ronald R. Benjamin, hereby certify [pursuant to 28 U.S.C. § 1746] as follows:

I am an attorney in good standing who is admitted to practice law in the State of New York. The name and address of my law firm are:

<u>Law Office of Ronald R. Benjamin</u>		
Law Firm		
<u>169 Riverside Drive</u>		
Street		
<u>Binghamton</u>	<u>New York</u>	<u>13905</u>
City	State	Zip Code

I make this certification pursuant to the following orders, and any amendments thereto (check all that apply where your clients have cases pending):

☒ Pretrial Order No. 31 entered on 11/9/07 by the United States District Court for the Eastern District of Louisiana.

☒ Order entered on 11/9/07 by the Superior Court of the New Jersey law Division: Atlantic County

☐ Amended Pretrial Order No. 5 entered on 11/14/07 by the District Court of Harris County, Texas

☐ Order entered on 11/9/07 by the Superior Court of the State of California, Los Angeles, in NCCP No. 42476.

Exhibit 1 to this certification contains a true and complete list of all of the Plaintiffs and/or Tolling Claimants in which I have and "Interest" and for whom I am "Primary Counsel" along with a notation of all firms with an Interest in Each Claim as of October 1, 2007. I am including cases that are not in MDL 1657 as a courtesy to the court and affirmatively assert this Court has no jurisdiction to adjudicate or otherwise compel parties

outside the MDL to engage in any acts in the absence of specific motions directed to those parties with an opportunity for the parties to submit opposition.

I certify under penalty of perjury that the foregoing is true and correct.

Dated:

1/15/08

A handwritten signature in black ink, appearing to be "Randy", written over a horizontal line.

Primary Counsel

Registration Affidavit

I, Ronald R. Benjamin, hereby certify [pursuant to 28 U.S.C. § 1746] as follows:

I am an attorney in good standing who is admitted to practice law in the State of New York. The name and address of my law firm are:

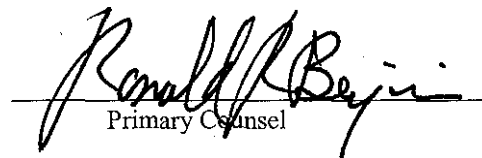
	Law Office of Ronald R. Benjamin		
Law Firm			
	169 Riverside Drive		
Street			
	Binghamton	New York	13905
City		State	Zip Code

I make this certification pursuant to Pretrial Order No. 31 entered in the current coordinated proceeding styled *In re: Vioxx® Products Liability Litigation*, MDL Docket No. 1567, now pending in the United States District Court for the Eastern District of Louisiana.

Exhibit 1 to this certification contains a true and complete list of all of the Plaintiffs and/or Tolling Claimants in which I have and "Interest" and for whom I am "Primary Counsel" along with a notation of all firms with an Interest in Each Claim as of October 1, 2007. I am including cases that are not in MDL 1657 as a courtesy to the court and affirmatively assert this Court has no jurisdiction to adjudicate or otherwise compel parties outside the MDL to engage in any acts in the absence of specific motions directed to those parties with an opportunity for the parties to submit opposition.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: 1/15/08


Primary Counsel

Sign ONE of the statements below:

1. I, _____, on behalf of myself and all other counsel with an Interest in the cases listed in Exhibit 1, agree to the terms of the MSA and will recommend that all Plaintiffs and/or Tolling Claimants listed on Exhibit 1 who at any time have alleged any of the following injuries should enroll in the Program: myocardial infarction, sudden cardiac death, and/or ischemic stroke.


Dated: _____

Signature

OR

2. I, _____ Ronald R. Benjamin _____, do not agree to the terms of the MSA and will not recommend that any of the Plaintiffs and/or Tolling Claimants listed on Exhibit 1 enroll in the Program.

Dated: 1/18/08


Signature

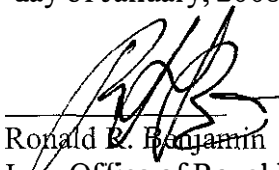
**In the United States District Court
Eastern District of Louisiana**

IN RE:	VIOXX)	
	PRODUCT LIABILITY)	MDL NO. 1657
	LITIGATION)	SECTION: L
)	
)	JUDGE FALLON
)	MAG. JUDGE KNOWLES
)	
)	
)	
THIS RELATES TO:)	
)	

**CERTIFICATE OF SERVICE OF REGISTRATION
AFFIDAVIT AND EXHIBIT 1 FOR RONALD R. BENJAMIN**

I hereby certify that the above and foregoing Registration Affidavit (in PDF Format) and Exhibit "1" to Ronald R. Benjamin's Registration Affidavit (Excel Format) has been served via electronic mail on the following parties, pursuant to Pretrial Order 31(B) as follows:

claimsadmin@browngreer.com, and upon all parties by electronically uploading the same to LexisNexis File & Serve in accordance with Pretrial Order 31(A), by using the CM/ECF system which will send a Notice of Electronic Filing in accordance with the procedures established in MDL 1657 on this the 15th day of January, 2008.



Ronald R. Benjamin
Law Office of Ronald R. Benjamin
126 Riverside Drive
Binghamton, NY 13905
Telephone: 607-772-1442
Fax: 607-772-1678
Email: ronbenjaminlaw@stny.rr.com

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Submitted by: Diane Walter, Benjamin, Ronald R
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Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical
Case Number: MDL-1657 Master Case
Case Name: In Re: VIOXX Products Liability Litigation MDL No 1657

Transaction Option: Serve Only - Public
Billing Reference: Vioxx

Documents List

2 Document(s)

Attached Document, 2 Pages Document ID: 12983736

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Document Type: Vioxx Settlement Registration
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title: Registration Affidavit and Exhibit 1 for Law Office Ronald R. Benjamin

Attached Document, 1 Pages Document ID: 12983814

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Party	Party Type	Attorney	Firm	Attorney Type
Plaintiff Interested Party Benjamin, Ronald R Benjamin, Ronald R		Attorney in Charge		

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Megan Clark

From: "Vioxx Claims Administrator" <Claimsadmin@browngreer.com>
To: "Megan Clark" <mclark@benjaminattorney.com>
Cc: "Scott Monroe" <SMonroe@browngreer.com>
Sent: Wednesday, January 16, 2008 1:28 PM
Attach: Correspondence - Response to Registration Materials - Ronald R Benjamin - 2008-1-16.pdf
Subject: RE: Registration Affidavit and Exhibit 1 for Law Office of Ronald R. Benjamin

This confirms that we have received your Registration Materials. Attached is a letter introducing you to your Claims Administrator Contact (CA Contact) who will serve as your contact person here throughout the settlement process. This letter describes the next steps in the Settlement Process. Please get in touch with your CA Contact if you have questions.

Thank you.

Vioxx Claims Administrator
BROWN PLC
115 S. 15th Street, Suite 400
Richmond, Virginia 23219-4209
Telephone: (804) 521-7200
Facsimile: (804) 521-7299
<

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From: Megan Clark [mailto:mclark@benjaminattorney.com]
Sent: Tuesday, January 15, 2008 3:57 PM
To: Vioxx Claims Administrator
Cc: Megan at work
Subject: Registration Affidavit and Exhibit 1 for Law Office of Ronald R. Benjamin

Please see attached and contact me if there are issues receiving the attachments.

Thank you,

Megan Clark
Law Office of Ronald R. Benjamin
126 Riverside Dr.
Binghamton, NY 13905
607-772-1442

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Vioxx
Case Name: In Re: VIOXX Products Liability Litigation MDL
No 1657
Case Number: MDL-1657 Master Case
Transaction ID: 18974617
Document Title(s):
 Agard Statement of Notices Sent (28 pages)
 Statement of Notices Sent (18 pages)
 Statement of Notices Sent (13 pages)
 Statement of Notices Sent (18 pages)
Authorized Date/Time: Mar 13 2008 8:48AM CDT
Authorizer: Ronald R Benjamin
Authorizer's Organization: Benjamin, Ronald R
Sending Parties:
 Plaintiff
Served Parties:
 Plaintiff
 Defendant
 Defendants Steering Committee
 Defendants Liaison Counsel
 Plaintiffs Liaison Counsel
Additional Recipients:
 Susan Giamportone

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Court: LA US District Court Eastern District E-Service-Vioxx
Case Name: In Re: VIOXX Products Liability Litigation MDL No 1657
Case Number: MDL-1657 Master Case
Transaction ID: 18975046
Document Title(s):
Statement of Notices Sent (3 pages)
Statement of Notices Sent (12 pages)
Statement of Notices Sent (12 pages)
Statement of Notices Sent (9 pages)
Statement of Notices Sent (16 pages)
Statement of Notices Sent (15 pages)
Statement of Notices Sent (11 pages)
Statement of Notices Sent, DeRosa (15 pages)
Statement of Notices Sent, DeVincentiis (15 pages)
Statement of Notices Sent, Dier (11 pages)
Statement of Notices Sent, Donahue (14 pages)
Authorized Date/Time: Mar 13 2008 10:34AM CDT
Authorizer: Ronald R Benjamin
Authorizer's Organization: Benjamin, Ronald R
Sending Parties:
Plaintiff
Served Parties:
Plaintiff
Defendant
Defendants Steering Committee
Defendants Liaison Counsel
Plaintiffs Liaison Counsel

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Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Mar 13 2008 10:34AM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical
Case Number: MDL-1657 Master Case
Case Name: In Re: VIOXX Products Liability Litigation MDL No 1657

Transaction Option: Serve Only - Public
Billing Reference: Vioxx Preservation Notice Service

Documents List

11 Document(s)

Attached Document, 3 Pages Document ID: 22793747 Document Type: Notice Document title: Statement of Notices Sent	Access: Secure Public Statutory Fee: \$0.00 Linked: PDF Format Original Format
Attached Document, 12 Pages Document ID: 22793748 Related Document ID: 22793747 Document Type: Notice Document title: Statement of Notices Sent	Access: Secure Public Statutory Fee: \$0.00 Linked: PDF Format Original Format
Attached Document, 12 Pages Document ID: 22793749 Related Document ID: 22793747 Document Type: Notice Document title: Statement of Notices Sent	Access: Secure Public Statutory Fee: \$0.00 Linked: PDF Format Original Format
Attached Document, 9 Pages Document ID: 22793750 Related Document ID: 22793747 Document Type: Notice Document title: Statement of Notices Sent	Access: Secure Public Statutory Fee: \$0.00 Linked: PDF Format Original Format
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Attached Document, 15 Pages Document ID: 22793752 Related Document ID: 22793747 Document Type: Notice Document title: Statement of Notices Sent	Access: Secure Public Statutory Fee: \$0.00 Linked: PDF Format Original Format
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Statement of Notices Sent, DeVincentiis

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Statement of Notices Sent, Donahue

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☐ **Sending Parties (1)****Party Party Type****Attorney****Firm****Attorney Type**

Plaintiff Interested Party Benjamin, Ronald R Benjamin, Ronald R Attorney in Charge

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Case Number: MDL-1657 Master Case
Transaction ID: 18977768
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Statement of Notices Sent, Gehm (13 pages)
Statement of Notices Sent, Harris (8 pages)
Statement of Notices Sent, Henderson (26 pages)
Statement of Notices Sent, Hia (42 pages)
Statement of Notices Sent, Hickok (18 pages)
Statement of Notices Sent, Hochrun (14 pages)
Statement of Notices Sent, Hoffner (3 pages)
Statement of Notices Sent, Holdredge (19 pages)
Statement of Notices Sent, Holobosky (17 pages)
Statement of Notices Sent, Hoyt (12 pages)
Authorized Date/Time: Mar 13 2008 10:53AM CDT
Authorizer: Ronald R Benjamin
Authorizer's Organization: Benjamin, Ronald R
Sending Parties:
Plaintiff
Served Parties:
Plaintiff
Defendant
Defendants Steering Committee
Defendants Liaison Counsel
Plaintiffs Liaison Counsel

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Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Mar 13 2008 10:53AM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical
Case Number: MDL-1657 Master Case
Case Name: In Re: VIOXX Products Liability Litigation MDL No 1657

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Documents List**11 Document(s)**

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Related Document ID: 22794666		
Document Type: Notice	Access: Secure Public	Statutory Fee: \$0.00
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Related Document ID: 22794666		
Document Type: Notice	Access: Secure Public	Statutory Fee: \$0.00
Document title: Statement of Notices Sent, Harris		
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Related Document ID: 22794666		
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Document title: Statement of Notices Sent, Henderson		
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Document title: Statement of Notices Sent, Hia		
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Related Document ID: 22794666		
Document Type: Notice	Access: Secure Public	Statutory Fee: \$0.00
Document title: Statement of Notices Sent, Hickok		
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Related Document ID: 22794666		
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Statement of Notices Sent, Hochrun			
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Related Document ID: 22794666		PDF Format Original Format	
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Document title:			
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Document Type:	Access:	Statutory Fee:	Linked:
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Document title:			
Statement of Notices Sent, Holobosky			
Attached Document, 12 Pages		Document ID: 22794676	
Related Document ID: 22794666		PDF Format Original Format	
Document Type:	Access:	Statutory Fee:	Linked:
Notice	Secure Public	\$0.00	
Document title:			
Statement of Notices Sent, Hoyt			

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☐ **Sending Parties (1)**

Party	Party Type	Attorney	Firm	Attorney Type
Plaintiff	Interested Party	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (1687)**

☐ Service List (1687)

☐ Additional Recipients (0)

☐ **Case Parties**

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To: Diane Walter
Subject: Transaction Receipt

This email is to confirm receipt of your documents. The transaction option you selected was "Serve Only - Public". The details for this transaction are listed below.

Court: LA US District Court Eastern District E-Service-Vioxx
Case Name: In Re: VIOXX Products Liability Litigation MDL No 1657
Case Number: MDL-1657 Master Case
Transaction ID: 18979828
Document Title(s):
Statement of Notices Sent, Kunik (12 pages)
Statement of Notices Sent, Kurtz (15 pages)
Statement of Notices Sent, Lindsey (7 pages)
Statement of Notices Sent, Lord (8 pages)
Statement of Notices Sent, Mack (7 pages)
Statement of Notices Sent, Mannino (12 pages)
Statement of Notices Sent, McKan (5 pages)
Statement of Notices Sent, O'Connor (16 pages)
Statement of Notices Sent, Patrick (11 pages)
Statement of Notices Sent, Pratt (8 pages)
Authorized Date/Time: Mar 13 2008 12:42PM CDT
Authorizer: Ronald R Benjamin
Authorizer's Organization: Benjamin, Ronald R
Sending Parties:
Plaintiff
Served Parties:
Plaintiff
Defendant
Defendants Steering Committee
Defendants Liaison Counsel
Plaintiffs Liaison Counsel

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Transaction ID: 18979828
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Mar 13 2008 12:42PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical
Case Number: MDL-1657 Master Case
Case Name: In Re: VIOXX Products Liability Litigation MDL No 1657

Transaction Option: Serve Only - Public
Billing Reference: Vioxx Preservation Notices Sent

Documents List**10 Document(s)****Attached Document, 12 Pages Document ID: 22799230**[PDF Format](#) | [Original Format](#)

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Kunik

Attached Document, 15 Pages Document ID: 22799231[PDF Format](#) | [Original Format](#)

Related Document ID: 22799230

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Kurtz

Attached Document, 7 Pages Document ID: 22799232[PDF Format](#) | [Original Format](#)

Related Document ID: 22799230

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Lindsey

Attached Document, 8 Pages Document ID: 22799233[PDF Format](#) | [Original Format](#)

Related Document ID: 22799230

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Lord

Attached Document, 7 Pages Document ID: 22799234[PDF Format](#) | [Original Format](#)

Related Document ID: 22799230

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Mack

Attached Document, 12 Pages Document ID: 22799235[PDF Format](#) | [Original Format](#)

Related Document ID: 22799230

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Mannino

Attached Document, 5 Pages Document ID: 22799236[PDF Format](#) | [Original Format](#)

Related Document ID: 22799230

Document Type: Notice
Access:

Statutory Fee: **Linked:**

Notice	Secure Public	\$0.00	
Document title:			
Statement of Notices Sent, McKan			
Attached Document, 16 Pages		Document ID: 22799237	
Related Document ID: 22799230		PDF Format Original Format	
Document Type:	Access:	Statutory Fee:	Linked:
Notice	Secure Public	\$0.00	
Document title:			
Statement of Notices Sent, O'Connor			
Attached Document, 11 Pages		Document ID: 22799239	
Related Document ID: 22799230		PDF Format Original Format	
Document Type:	Access:	Statutory Fee:	Linked:
Notice	Secure Public	\$0.00	
Document title:			
Statement of Notices Sent, Patrick			
Attached Document, 8 Pages		Document ID: 22799240	
Related Document ID: 22799230		PDF Format Original Format	
Document Type:	Access:	Statutory Fee:	Linked:
Notice	Secure Public	\$0.00	
Document title:			
Statement of Notices Sent, Pratt			

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☐ **Sending Parties (1)**

Party	Party Type	Attorney	Firm	Attorney Type
Plaintiff	Interested Party	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☒ **Recipients (1687)**

☒ Service List (1687)

☐ Additional Recipients (0)

☒ **Case Parties**

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To: Diane Walter
Subject: Transaction Receipt

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Court: LA US District Court Eastern District E-Service-
Vioxx
Case Name: In Re: VIOXX Products Liability Litigation MDL
No 1657
Case Number: MDL-1657 Master Case
Transaction ID: 18982254
Document Title(s):
Statement of Notices Sent, Robinson (24 pages)
Statement of Notices Sent, Roman (3 pages)
Statement of Notices Sent, S Smith (12 pages)
Statement of Notices Sent, Sullivan (7 pages)
Statement of Notices Sent, V Santacrose (14 pages)
Statement of Notices Sent, V Smith (5 pages)
Authorized Date/Time: Mar 13 2008 12:49PM CDT
Authorizer: Ronald R Benjamin
Authorizer's Organization: Benjamin, Ronald R
Sending Parties:
Plaintiff
Served Parties:
Plaintiff
Defendant
Defendants Steering Committee
Defendants Liaison Counsel
Plaintiffs Liaison Counsel

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Transaction ID: 18982254
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Mar 13 2008 12:49PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical
Case Number: MDL-1657 Master Case
Case Name: In Re: VIOXX Products Liability Litigation MDL No 1657

Transaction Option: Serve Only - Public
Billing Reference: Vioxx Preservation Notices Sent Service

Documents List**6 Document(s)****Attached Document, 24 Pages Document ID: 13928449**[PDF Format](#) | [Original Format](#)

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Robinson

Attached Document, 3 Pages Document ID: 13928465[PDF Format](#) | [Original Format](#)

Related Document ID: 13928449

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Roman

Attached Document, 12 Pages Document ID: 13928486[PDF Format](#) | [Original Format](#)

Related Document ID: 13928449

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, S Smith

Attached Document, 7 Pages Document ID: 13928512[PDF Format](#) | [Original Format](#)

Related Document ID: 13928449

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, Sullivan

Attached Document, 14 Pages Document ID: 13928539[PDF Format](#) | [Original Format](#)

Related Document ID: 13928449

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, V Santacrose

Attached Document, 5 Pages Document ID: 13928556[PDF Format](#) | [Original Format](#)

Related Document ID: 13928449

Document Type: Notice
Access: Secure Public

Statutory Fee: \$0.00
Linked:

Document title:
Statement of Notices Sent, V Smith

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☐ **_Sending Parties (1)**

Party	Party Type	Attorney	Firm	Attorney Type
Plaintiff	Interested Party	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☒ **_Recipients (1788)**

☒ **_Service List (1788)**

☐ **_Additional Recipients (0)**

☒ **_Case Parties**

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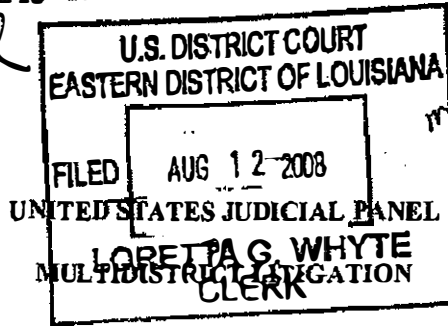
FILED '08 AUG 21 12:16 USC-LAE

A CERTIFIED TRUE COPY

ATTEST

By Bonita Bagley on Aug 12, 2008

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

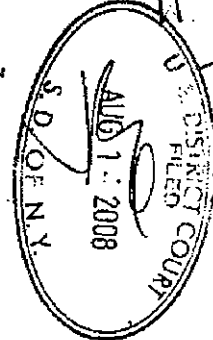


108CV3068

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Aug 12, 2008

FILED
CLERK'S OFFICE



IN RE: VIOXX MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION

MDL No. 1657

EDLA Case No
CA 08-4167 L

TRANSFER ORDER

Before the entire Panel: Plaintiffs in the eight actions listed on Schedule A move pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its order conditionally transferring the actions to the Eastern District of Louisiana for inclusion in MDL No. 1657. Defendant Merck & Co., Inc., opposes the motion.

After considering all argument of counsel, we find that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana, and that transfer of these actions to the Eastern District of Louisiana for inclusion in MDL No. 1657 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of these actions is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims relating to Vioxx. See *In re Vioxx Products Liability Litigation*, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

Plaintiffs can present their motions for remand to state court to the transferee judge. See, e.g., *In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

* Although two of the Panel's five current members hold stock interests that would normally disqualify them under 28 U.S.C. § 455 from participating in the decision of this matter, the Panel invokes the Rule of Necessity to decide the matter now before it on the authority of, and for the reasons explained in, *In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation*, 170 F.Supp.2d 1356, 1357-58 (J.P.M.L. 2001).

BY J. MICHAEL McMAHON

Process _____
X Dkt'd _____
CtRmDep _____
Doc. No _____

Fee _____
Process _____
X Dkt'd _____
CtRmDep _____
Doc. No _____

CLERK

DEPUTY CLERK

**IN RE: VIOXX MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1657

SCHEDULE A

Southern District of New York

**EDLA
SEC.L/3**

Marianne Raftis v. Merck & Co., Inc., C.A. No. 1:08-3067
Samuella Cadwell, et al. v. Merck & Co., Inc., C.A. No. 1:08-3068
Dean Santacrose v. Merck & Co., Inc., C.A. No. 1:08-3069
Margaret Steinhoff, et al. v. Merck & Co., Inc., C.A. No. 1:08-3074
Kevin Pitcher v. Merck & Co., Inc., C.A. No. 1:08-3075
Carolyn S. Croft v. Merck & Co., Inc., C.A. No. 1:08-3078
Helen Bilik, et al. v. Pfizer Inc., et al., C.A. No. 1:08-3280
Carol Adelberg, et al. v. Pfizer Inc., et al., C.A. No. 1:08-3291

08-4166
08-4167
08-4168
08-4169
08-4170
08-4171
08-4172
08-4173

- 2 -

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, appearing to read "John G. Heyburn II", is written over a horizontal line.

John G. Heyburn II
Chairman

J. Frederick Motz
Kathryn H. Vratil

Robert L. Miller, Jr.
David R. Hansen

Steven A. Rich, M.D.

Internal Medicine-Geriatrics

4884 North Road Canandaigua, NY 14424

srich@rochester.rr.com

Voice: 585-922-0392

Fax: 585-396-0849

August 2, 2008

Ronald R Benjamin

PO Box 607

126 Riverside Drive

Binghamton, NY 13902

Re: David Agard

DOB: 8/31/41

Date of Injury: Ischemic Stroke 11/2/2002

Thank you for the opportunity to review records regarding Mr David Agard and the events surrounding his ischemic November 2, 2002 and his use of VIOXX®.

I have reviewed the patient's statements, physicians, notes, laboratory reports and prescription records for this report.

My education includes a Doctor of Medicine Degree as well as a degree in Pharmacokinetics. My training includes certifications in Internal Medicine and Geriatric Medicine by the American Board of Internal Medicine. A copy of my Curriculum Vitae is attached. My experience includes 21 years of direct patient care including primary, secondary and tertiary care of acute coronary syndromes, rheumatoid conditions and the consequences of these diseases. I have treated patients similar to Mr. Agard during the course of my career. I have been active in clinical pharmacology for 21 years, and have authored peer-reviewed and published articles. I have also reviewed published medical literature and Merck documents relating to VIOXX®.

Mr. David Agard was 65 years of age when he experienced sudden onset of loss of vision in his right visual field. His evaluation by CT scanning and MRI showed a corresponding stroke in his right occipital lobe. At the time of this stroke the patient had been taking VIOXX® for 31 months for the treatment of osteoarthritic pain. Prior to his event the patient had high blood pressure which was under excellent control, an elevation of his cholesterol level which was under effective treatment, and had a prior history of coronary artery disease status post. He also had cardiomyopathy and was followed by a cardiologist. He had only a brief and distant history of cigarette smoking.

It is my opinion that the ischemic stroke that Mr. David Agard suffered on November 2, 2002 was caused by his ingestion of VIOXX®. Furthermore, that as a result of his ischemic stroke Mr. Agard suffered permanent loss of vision. The ischemic stroke he suffered has reduced his ability to continue to work as a musician which can lead to other strokes.

All of my opinions are stated within a reasonable degree of medical certainty. My opinions are based on my education, training, and experience. My opinions may be modified based on review of subsequent medical information not currently available to me.

Sincerely,



Steven A. Rich, M.D.

Chief of Geriatrics and Director of the Geriatric Consultative Service
ViaHealth Health System/Rochester
Clinical Assistant Professor of Medicine
University of Rochester School of Medicine and Dentistry

Statement 9-11-08

Steven A. Rich M.D.,
 4884 North Road Canandaigua NY 14424
srich@rochester.rr.com
 Voice: 585-922-0392
 Fax: 585-389-0849

Law Office of Ronald Benjamin
 126 Riverside Drive
 P.O. Box 607
 Binghamton, NY 13902-0607

September 11, 2008

Dear Mr. Benjamin:

Please accept this as a statement for services rendered and expenses incurred regarding the issue of Mr. David Agard

<u>Firm</u>	<u>Expense</u>	<u>Service</u>	<u>Activity</u>	<u>Time</u>	<u>Rate/hr</u>	<u>Issue</u>	<u>Date</u>
R. Benjamin		1000	Review/report	1.5	500	Agard, David	8/2/2008
Subtotal Expense	●						
Subtotal Service				1500			
Total;				1500			

Sincerely,


 Steven A Rich MD

Steven A. Rich, M.D.

Internal Medicine-Geriatrics-Clinical Pharmacology

4884 North Road Canandaigua, NY 14424

srich@rochester.rr.com

Voice: 585-922-0392

Fax: 585-396-0849

August 2, 2008

Ronald R Benjamin

PO Box 607

126 Riverside Drive

Binghamton, NY 13902

Re: Mary Ann Bozich

DOB: 7-16-1940

Date of Injury: 9/1/03

Thank you for the opportunity to review records regarding Ms. Mary Anne Bozich and the events surrounding her ischemic heart disease and VIOXX® usage.

My education includes a Doctor of Medicine Degree as well as a degree in Pharmacokinetics. My training includes certifications in Internal Medicine and Geriatric Medicine by the American Board of Internal Medicine. A copy of my Curriculum Vitae is attached. My experience includes 21 years of direct patient care including primary, secondary and tertiary care of acute coronary syndromes, rheumatoid conditions and the consequences of these diseases. I have treated patients similar to Ms. Bozich during the course of my career. I have been active in clinical pharmacology for 21 years, and have authored peer-reviewed and published articles. I have also reviewed published medical literature and Merck documents relating to VIOXX®.


Ms. Bozich was 59 years old when she first developed single-vessel coronary artery disease which was successfully treated with angioplasty and stenting. She had risk factors of diabetes, hypertension, and elevated cholesterol. Subsequent to her initial coronary procedure 4/20/00 she significantly improved her control of these risk factors. A subsequent coronary angiogram on 8/28/01 showed no significant coronary artery disease. She initiated using VIOXX® with samples provided from her physician. Her first prescription is noted to have been filled 1/21/02 at a CVS pharmacy. In July of 2003 she was noted to have increased symptoms of dyspnea and was found to have a reduced of heart function (left ventricular ejection fraction 20%). She underwent repeat angiography in July of 2003 with findings of significant coronary artery disease of the left anterior descending artery, the right coronary artery, and recurrent disease in the left

circumflex artery. This required treatment with angioplasty and stenting, but she had recurrent symptoms in September 2003 requiring additional angioplasty and stenting. Subsequent to that time the patient has undergone on carotid endarterectomy, and additional angiograms for progressive symptoms of coronary and cerebrovascular insufficiency. She developed problems with falling and short-term memory deficit and now resides in a skilled nursing facility.

It is my opinion that the rapid progression and occlusion of the coronary arteries experienced by Ms. Bozich after starting VIOXX® is related to selective cyclooxygenase-2 inhibition due to ingestion of VIOXX®. Ms. Bozich suffered permanent heart damage that required ongoing cardiac medical treatment documented in the medical records and will require future cardiac medical treatment and medications. The ischemic heart disease suffered by Ms. Bozich has contributed to the loss of functional capacity that makes it necessary for her to reside in a skilled nursing facility. The congestive heart failure will likely adversely affect Ms. Bozich's life expectancy.

All of my opinions are stated within a reasonable degree of medical certainty. My opinions are based on my education, training, and experience. My opinions may be modified based on review of subsequent medical information not currently available to me.

Sincerely,



Steven A. Rich, M.D.

Chief of Geriatrics and Director of the Geriatric Consultative Service

ViaHealth Health System/Rochester

Clinical Assistant Professor of Medicine

University of Rochester School of Medicine and Dentistry

Statement 9-11-08

Steven A. Rich M.D.,
4884 North Road Canandaigua NY 14424
srich@rochester.rr.com
Voice: 585-922-0392
Fax: 585-389-0849

Law Office of Ronald Benjamin
126 Riverside Drive
P.O. Box 607
Binghamton, NY 13902-0607

September 11, 2008

Dear Mr. Benjamin:

Please accept this as a statement for services rendered and expenses incurred regarding the issue of Ms. Maryane Bozich.

<u>Firm</u>	<u>Expense</u>	<u>Service</u>	<u>Activity</u>	<u>Time</u>	<u>Rate/hr</u>	<u>Issue</u>	<u>Date</u>
R Benjamin		1000	record review/report	2.5	500	Bozich,	8/2/2008
Subtotal Expense		0					
Subtotal Service		1000					
Total;		1000					

Sincerely,



Steven A Rich MD

JOHN W. VARDAMAN
PAUL MARTIN WOLFF
JOHN C. KESTER
WILLIAM E. MCDANIELS
BRENDAN V. SULLIVAN, JR.
RICHARD M. COOPER
GERALD A. FEFFER
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PAUL R. CONNOLLY (1922-1978)

October 22, 2008

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JOSEPH C. PETROSINELLI
STEVEN M. FARINIA
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OF COUNSEL
RAYMOND W. BERGAN
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DAVID POVICH
J. ALAN GALBRAITH
ROBERT P. WATKINS
MARY C. CLARK
STEVEN A. STEINBACH
JACQUELINE E. MAITLAND DAVIES

FEDERAL EXPRESS & EMAIL

Ronald R. Benjamin
126 Riverside Drive
P.O. Box 607
Binghamton, NY 13902-0607

Dear Mr. Benjamin:

As you know, Judge Fallon convened a conference on Monday for the express purpose, among others, of ensuring that counsel and plaintiffs have all of the information about the Vioxx Settlement Program available to them to make an informed decision about enrolling in the Program. As Judge Fallon indicated, he was neither encouraging nor discouraging plaintiffs to enroll. Instead, he wanted to ensure that the parties understood the settlement process.

As part of that conference, you, as well as other counsel present, were afforded the opportunity to meet with Brown & Greer, the Claims Administrator, to discuss the range of amounts to which claimants would be entitled under the Vioxx Resolution Program. Both the Claim Administrator and Merck counsel were willing to sit down with you and your clients, if they were present, to calculate the sums of money your clients could expect to receive under the Program if they met the Gate Criteria. Virtually every other lawyer at this conference, as well as at similar conferences, took advantage of this opportunity. You, however, rejected this opportunity, as you have rejected past opportunities, to discuss what your clients may stand to receive were they to enroll in the Settlement Program.

So that there can be no mistake, we wish to advise you that, while we do not have medical records for many of your clients and therefore are not able to calculate the number of points they would receive that would then correspond with actual sums of money, we have reviewed the records for some of your clients and have found that they would be eligible for payments in substantial amounts. For example, in one instance, our records reflect that one client would be entitled to approximately 240 points or about \$450,000, assuming documents are submitted to show use that is consistent with the statements made in the Plaintiff Profile Form. Another would receive about \$220,000, assuming the necessary documentation to meet the Gate

WILLIAMS & CONNOLLY LLP

Ronald R. Benjamin

October 22, 2008

Page 2

Criteria. Of course, these amounts would be available only if these clients were to enter the settlement program before the deadline. There is no program of any kind for claims outside the program.


We remain willing to review your cases to determine the range of amounts to which your clients would be entitled under the Vioxx Settlement Program so that your clients will be aware of our views on the amounts they would likely receive.

But, as you know, enrollment in the Program ends on October 30, 2008. After that date, no claimants will be accepted in the Program.

Suffice it to say that claims that do not enroll in the Program will be vigorously defended without any new settlement programs available to you or your clients who choose not to enroll. We recognize that you have not yet been involved in any discovery in this litigation and have not tried any Vioxx case. So, you may, or may not know, the scope of discovery that these cases entail. Once the discovery stay is lifted, we would commence discovery, taking the depositions of plaintiffs, family members and possibly friends and acquaintances who have information relevant to the case, experts designated in the case and doctors and other medical personnel with relevant information who treated the plaintiff. We hasten to add that the discovery we will seek, and the motions that we will file, in these cases will not be guided by the identity of counsel. Instead, the discovery and motions will be nothing more, nor less, than the type of discovery that the parties -- and the courts -- have considered necessary in the Vioxx cases that have previously gone to trial. (And, as you also know, Merck won most of the previous cases that went to trial. The relatively few that were lost at trial were eventually either won on appeal or are still subject to appeal.)

If you or your clients would be interested in learning more about the payment they could expect to receive under the Program, please let us know at the earliest opportunity. We would also be able to explain the favorable agreements that have been put in place with respect to Government liens or we could put you in touch directly with the Lien Administrator. Indeed, if you have any questions about the Program, let us know and we will try to answer them.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas R. Marvin", with a stylized flourish at the end.

Douglas R. Marvin

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PAUL MARTIN WOLFF
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October 22, 2008

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BY FIRST CLASS MAIL & TELECOPY

Ronald R. Benjamin, Esq.
Law Office of Ronald R. Benjamin
126 Riverside Drive
PO Box 607
Binghamton, NY 13902-0607

Subject: In Re Vioxx Products Liability Litigation, MDL No. 1657
Pertaining to: See Attached List

Dear Mr. Benjamin:

We represent defendant Merck & Co., Inc. ("Merck") in the action referenced above. Our records indicate that this action is subject to the provisions of Pretrial Order No. 28 ("PTO 28"), entered by the Honorable Eldon E. Fallon on November 9, 2007 as a case that was not submitted to the Vioxx Resolution Program.

Section II of PTO 28 requires that certain discovery specified in the Order must be produced to Merck. The Order requires production of, *inter alia*, all pharmacy and medical records since January 1, 1995, any death certificates and autopsy reports, an Amended and Supplemental Plaintiff Profile Form, answers to the Interrogatories attached to the Order, an affidavit from the plaintiff pertaining to document collection, and a Rule 26(a)(2) case specific expert report. The full details of these requirements are set forth in Section II, subsections A-B of that same order, which is available on the Court's website at <http://vioxx.laed.uscourts.gov/Orders/Orders.htm>. Compliance with PTO 28 was called for, under Section II.C. of the Order, and the dates for compliance by all claimants has now passed.

Page 2

Although you have submitted some materials relating to the discovery requirements of Section II of PTO 28, you have failed to submit the required Rule 26(a)(2) case specific expert report.¹ Accordingly, notice is hereby given to cure the failure to comply with Section II of PTO 28 within thirty (30) days. If any failure to comply with PTO 28 is not cured, Merck will file a Motion for Order to Show Cause why the complaint should not be dismissed with prejudice, as specified in Section II. D. of the Order.

Very Truly Yours,



M. Elaine Horn

cc: Phillip A. Wittman, Esq. (via electronic mail)
Russ M. Herman, Esq. (via electronic mail)

¹ This letter only addresses your missing expert report. If we determine that the other materials you have submitted are materially deficient and/or that other required materials are missing, those deficiencies will be identified in a separate letter.

Case	Docket Number	Plaintiff Last Name	Plaintiff First Name	MI
Agard, David v. Merck & Co., Inc.	2:05-cv-01089-EEF-DEK	Darrow	Rodney	
Agard, David v. Merck & Co., Inc.	2:05-cv-01089-EEF-DEK	Demoski	Jim	
Agard, David v. Merck & Co., Inc.	2:05-cv-01089-EEF-DEK	Henderson	Edward	
Agard, David v. Merck & Co., Inc.	2:05-cv-01089-EEF-DEK	O'Connor	Ronald	R
Aljibory, Adnan v. Merck & Co., Inc.	2:05-cv-01090-EEF-DEK	Aljibory	Adnan	A
Aljibory, Adnan v. Merck & Co., Inc.	2:05-cv-01090-EEF-DEK	Robinson	Rosanna	
Aljibory, Adnan v. Merck & Co., Inc.	2:05-cv-01090-EEF-DEK	Santacrose	Viola	
Cavallo, Matthew v. Merck & Co., Inc.	2:05-cv-01513-EEF-DEK	Cavallo	Matthew	
Cavallo, Matthew v. Merck & Co., Inc.	2:05-cv-01513-EEF-DEK	DeRosa	Alphonse	V
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Curtis	Marjorie	
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Donahue	Kristina	
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Hia	Kristine	
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Hickok	Sheila	L
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Hochrun	Joanne	
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Holdredge	Suzanne	
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Hoyt	Maurice	

Case	Docket Number	Plaintiff Last Name	Plaintiff First Name	MI
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Kunik	Frank	P
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Patrick	William	
Core, Marilyn R v. Merck & Co., Inc.	2:05-cv-02583-EEF-DEK	Core	Richard	F
DeVincentiis, Carlo v. Merck & Co., Inc.	2:05-cv-02297-EEF-DEK	Devincentiis	Carlo	
DeVincentiis, Carlo v. Merck & Co., Inc.	2:05-cv-02297-EEF-DEK	Lord	Wilson	E
DeVincentiis, Carlo v. Merck & Co., Inc.	2:05-cv-02297-EEF-DEK	Pratt	Arthur	
Dier, Glenn L. v. Merck & Co., Inc.	2:05-cv-01088-EEF-DEK	Dier	Glenn	L
Dier, Glenn L. v. Merck & Co., Inc.	2:05-cv-01088-EEF-DEK	Mack	Timothy	
Gates, Robert D. v. Merck & Co., Inc.	2:05-cv-06221-EEF-DEK	Berthel	Scott	R
Gates, Robert D. v. Merck & Co., Inc.	2:05-cv-06221-EEF-DEK	Gates	Robert	
Hoffner, Kathleen v. Merck & Co., Inc.	2:06-cv-02238-EEF-DEK	Carniero	Manuel	
Hoffner, Kathleen v. Merck & Co., Inc.	2:06-cv-02238-EEF-DEK	Roman	Thomas	J
Holobosky, Rosemary v. Merck & Co., Inc.	2:05-cv-01091-EEF-DEK	Holobosky	Rosemary	T
Holobosky, Rosemary v. Merck & Co., Inc.	2:05-cv-01091-EEF-DEK	Mannino	Ann	M
Holobosky, Rosemary v. Merck & Co., Inc.	2:05-cv-01091-EEF-DEK	Sullivan	Thomas	J
Kurtz, Mary v. Merck & Co., Inc.	2:06-cv-05779-EEF-DEK	Kurtz	Mary	

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October 22, 2008

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BY FIRST CLASS MAIL & TELECOPY

Ronald R. Benjamin, Esq.
Law Office of Ronald R. Benjamin
126 Riverside Drive
PO Box 607
Binghamton, NY 13902-0607

Subject: *In Re Vioxx Products Liability Litigation*, MDL No. 1657
Pertaining to: See Attached List

Dear Mr. Benjamin:

We represent defendant Merck & Co., Inc. ("Merck") in the actions referenced in the attached list. Our records indicate that these actions are subject to the provisions of Pretrial Order No. 28 ("PTO 28"), entered by the Honorable Eldon E. Fallon on November 9, 2007 as cases that were not submitted to the Vioxx Resolution Program.

Section II of PTO 28 requires that certain discovery specified in the Order must be produced to Merck. The Order requires production of, *inter alia*, all pharmacy and medical records since January 1, 1995, any death certificates and autopsy reports, an Amended and Supplemental Plaintiff Profile Form, answers to the Interrogatories attached to the Order, an affidavit from the plaintiff pertaining to document collection, and a Rule 26(a)(2) case specific expert report. The full details of these requirements are set forth in Section II, subsections A-B of that same order, which is available on the Court's website at <http://vioxx.laed.uscourts.gov/Orders/Orders.htm>. Compliance with PTO 28 was called for, under Section II.C. of the Order, and the dates for compliance by all claimants has now passed.

We have not received any materials from you relating to the discovery requirements of Section II of PTO 28. Accordingly, notice is hereby given to cure the failure to comply with Section II of PTO 28 within thirty (30) days. If any failure to comply with PTO 28 is not cured,

Page 2

Merck will file a Motion for Order to Show Cause why the complaints should not be dismissed with prejudice, as specified in Section II. D. of the Order.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "M. Elaine Horn", followed by a long horizontal line extending to the right.

M. Elaine Horn

cc: Phillip A. Wittman, Esq. (via electronic mail)
Russ M. Herman, Esq. (via electronic mail)

Case	Docket Number	Plaintiff Last Name	Plaintiff First Name	MI
Adelberg, Carol v. Merck & Co., Inc.	2:08-cv-04173-EEF-DEK	Adelberg	Carol	
Adelberg, Carol v. Merck & Co., Inc.	2:08-cv-04173-EEF-DEK	Amendoeira	Antonio	
Alapeck, Geraldine M v. Merck & Co., Inc.	2:08-cv-03221-EEF-DEK	Alapeck	Geraldine	M
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Alapeck	Geraldine	M
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Bilik	Helen	
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Boone	Elizabeth	
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Croft	Carolyn	S
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Mahar	Mary	J
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Santacrose	Dean	
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Simmons	Stasia	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Cadwell	Albert	D
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Cadwell	Samuella	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Corprew	Wilbert	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Plocek	Elsa	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Schaffer	Ronald	H
Cavallo, Matthew v. Merck & Co., Inc.	2:05-cv-01513-EEF-DEK	Smith	Victoria	

Case	Docket Number	Plaintiff Last Name	Plaintiff First Name	MI
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Connolly	Marjorie	
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Harris, Jr.	Charles	
Croft, Caroline S. v. Merck & Co., Inc.	2:08-cv-04171-EEF-DEK	Croft	Caroline	S
DeVincentiis, Carlo v. Merck & Co., Inc.	2:05-cv-02297-EEF-DEK	Lindsey	Kimberly	
Dufresne, Lori v. Merck & Co., Inc.	2:08-cv-03220-EEF-DEK	Spencer	Frank	
Gates, Robert D. v. Merck & Co., Inc.	2:05-cv-06221-EEF-DEK	Gehm	Herbert	
Hoffner, Kathleen v. Merck & Co., Inc.	2:06-cv-02238-EEF-DEK	Hoffner	Kathleen	
Holobosky, Rosemary v. Merck & Co., Inc.	2:05-cv-01091-EEF-DEK	Smith	Sheila	
Mahar, Mary J. v. Merck & Co., Inc.	2:08-cv-03222-EEF-DEK	Mahar	Mary	J
Pitcher, Kevin v. Merck & Co., Inc.	2:08-cv-04170-EEF-DEK	Pitcher	Kevin	
Raftis, Marianne v. Merck & Co., Inc.	2:08-cv-04166-EEF-DEK	Raftis	Marianne	
Santacrose, Dean v. Merck & Co., Inc.	2:08-cv-04168-EEF-DEK	Santacrose	Dean	
Steinhoff, Margaret v. Merck & Co., Inc.	2:08-cv-04169-EEF-DEK	Steinhoff	Margaret	

Row	FirmName	VCN	ClaimantName	EligibilityStatus
1.	Benjamin, Ronald R., Law Office of	1097015	Adelberg, Carol	Merck Deems Eligible
2.	Benjamin, Ronald R., Law Office of	1096956	Agard, David L.	Merck Deems Eligible
3.	Benjamin, Ronald R., Law Office of	1096991	Alapeck, Geraldine	Merck Deems Eligible
4.	Benjamin, Ronald R., Law Office of	1096957	Aljibory, Adnan A.	Merck Deems Eligible
5.	Benjamin, Ronald R., Law Office of	1097037	Amendoeria, Antonio	Merck Deems Eligible
6.	Benjamin, Ronald R., Law Office of	1096958	Bates, Elizabeth	Merck Deems Eligible
7.	Benjamin, Ronald R., Law Office of	1096959	Berthel, Scott R.	Merck Deems Eligible
8.	Benjamin, Ronald R., Law Office of	1097030	Bilik, Helen	Merck Deems Eligible
9.	Benjamin, Ronald R., Law Office of	1096993	Boone, Elizabeth	Merck Deems Eligible
10.	Benjamin, Ronald R., Law Office of	1096960	Bozich, Mary Anne	Merck Deems Eligible
11.	Benjamin, Ronald R., Law Office of	1096994	Cadwell, Albert D.	Merck Deems Eligible
12.	Benjamin, Ronald R., Law Office of	1096995	Cadwell, Samuella	Merck Deems Eligible
13.	Benjamin, Ronald R., Law Office of	1097022	Carniero, Manuel	Merck Deems Eligible
14.	Benjamin, Ronald R., Law Office of	1097038	Cavallo, Matthew	Merck Deems Eligible
15.	Benjamin, Ronald R., Law Office of	1096961	Connolly, Marjorie	Merck Deems Eligible
16.	Benjamin, Ronald R., Law Office of	1097041	Cook, William	Merck Deems Eligible
17.	Benjamin, Ronald R., Law Office of	1096962	Core, Richard F.	Merck Deems Eligible
18.	Benjamin, Ronald R., Law Office of	1097033	Corprew, Wilbert	Merck Deems Eligible
19.	Benjamin, Ronald R., Law Office of	1096996	Croft, Carolyn	Merck Deems Eligible
20.	Benjamin, Ronald R., Law Office of	1096963	Curtis, Marjorie	Merck Deems Eligible
21.	Benjamin, Ronald R., Law Office of	1096964	Darrow, Rodney	Merck Deems Eligible
22.	Benjamin, Ronald R., Law Office of	1096965	Demoski, Jim	Merck Deems Eligible
23.	Benjamin, Ronald R., Law Office of	1097039	Derosa, Alphonse V.	Merck Deems Eligible
24.	Benjamin, Ronald R., Law Office of	1096966	Devincentiis, Carlo	Merck Deems Eligible
25.	Benjamin, Ronald R., Law Office of	1096967	Dier, Glenn L.	Merck Deems Eligible
26.	Benjamin, Ronald R., Law Office of	1096997	Dixson, Charles H.	Merck Deems Eligible
27.	Benjamin, Ronald R., Law Office of	1097016	Donahue, Kristina	Merck Deems Eligible
28.	Benjamin, Ronald R., Law Office of	1096969	Egan, Richard	Merck Deems Eligible
29.	Benjamin, Ronald R., Law Office of	1096970	Gates, Robert	Merck Deems Eligible
30.	Benjamin, Ronald R., Law Office of	1097024	Gehm, Herbert	Merck Deems Eligible
31.	Benjamin, Ronald R., Law Office of	1097035	Giordano, Margharita	Merck Deems Eligible
32.	Benjamin, Ronald R., Law Office of	1096971	Golub, Andrea S.	Merck Deems Eligible
33.	Benjamin, Ronald R., Law Office of	1096972	Harris, Charles C.	Merck Deems Eligible
34.	Benjamin, Ronald R., Law Office of	1096973	Henderson, Edward	Merck Deems Eligible
35.	Benjamin, Ronald R., Law Office of	1096974	Hia, Kristine	Merck Deems Eligible
36.	Benjamin, Ronald R., Law Office of	1096975	Hickok, Sheila L.	Merck Deems Eligible
37.	Benjamin, Ronald R., Law Office of	1097021	Hochrun, Joanne	Merck Deems Eligible
38.	Benjamin, Ronald R., Law Office of	1097023	Hoffner, Kathleen	Merck Deems Eligible
39.	Benjamin, Ronald R., Law Office of	1096976	Holdredge, Suzanne	Merck Deems Eligible
40.	Benjamin, Ronald R., Law Office of	1096977	Holobosky, Rosemary T.	Merck Deems Eligible
41.	Benjamin, Ronald R., Law Office of	1096978	Hoyt, Maurice	Merck Deems Eligible
42.	Benjamin, Ronald R., Law Office of	1096979	Kunik, Frank P.	Merck Deems Eligible
43.	Benjamin, Ronald R., Law Office of	1096999	Kurtz, Mary	Merck Deems Eligible
44.	Benjamin, Ronald R., Law Office of	1097025	Lindsey, Kimberly	Merck Deems Eligible
45.	Benjamin, Ronald R., Law Office of	1096980	Lord, Wilson E.	Merck Deems Eligible
46.	Benjamin, Ronald R., Law Office of	1096982	Mack, Timothy	Merck Deems Eligible
47.	Benjamin, Ronald R., Law Office of	1097000	Mahar, Mary	Merck Deems Eligible

Row	FirmName	VCN	ClaimantName	EligibilityStatus
48.	Benjamin, Ronald R., Law Office of	1096983	Mannino, Ann M.	Merck Deems Eligible
49.	Benjamin, Ronald R., Law Office of	1097001	Matias, Mary	Merck Deems Eligible
50.	Benjamin, Ronald R., Law Office of	1097032	Nobile, Lucretia	Merck Deems Eligible
51.	Benjamin, Ronald R., Law Office of	1096984	O'Connor, Ronald R.	Merck Deems Eligible
52.	Benjamin, Ronald R., Law Office of	1097002	Orioles, Anthony	Merck Deems Eligible
53.	Benjamin, Ronald R., Law Office of	1096985	Patrick, William	Merck Deems Eligible
54.	Benjamin, Ronald R., Law Office of	1097004	Peltz, Hilda	Merck Deems Eligible
55.	Benjamin, Ronald R., Law Office of	1097006	Plocek, Elsa	Merck Deems Eligible
56.	Benjamin, Ronald R., Law Office of	1096986	Pratt, Arthur	Merck Deems Eligible
57.	Benjamin, Ronald R., Law Office of	1097026	Robinson, Rosanna	Merck Deems Eligible
58.	Benjamin, Ronald R., Law Office of	1096987	Roman, Thomas J.	Merck Deems Eligible
59.	Benjamin, Ronald R., Law Office of	1097036	Santacrose, Dean	Merck Deems Eligible
60.	Benjamin, Ronald R., Law Office of	1096988	Santacrose, Viola	Merck Deems Eligible
61.	Benjamin, Ronald R., Law Office of	1097012	Schaffer, Ronald H.	Merck Deems Eligible
62.	Benjamin, Ronald R., Law Office of	1097029	Simmons, Stasia	Merck Deems Eligible
63.	Benjamin, Ronald R., Law Office of	1097020	Singer, Cheryl E.	Merck Deems Eligible
64.	Benjamin, Ronald R., Law Office of	1096989	Smith, Sheila	Merck Deems Eligible
65.	Benjamin, Ronald R., Law Office of	1097014	Smith, Victoria	Merck Deems Eligible
66.	Benjamin, Ronald R., Law Office of	1096968	Spencer, Frank	Merck Deems Eligible
67.	Benjamin, Ronald R., Law Office of	1096990	Sullivan, Thomas J.	Merck Deems Eligible

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October 27, 2008

VIA FAX ONLY #202-434-5029

M. Elaine Horn, Esq.
Williams & Connolly, LLP
725 Twelfth Street, N.W.
Washington, DC 20005-5901

RE: In Re: Vioxx Products Liability Litigation, MDL No.: 1657

Dear Ms. Horn:

Please let this letter serve as a response to your letter of October 22, 2008. I am requesting we meet and confer in an effort to resolve or narrow the matters raised in your letter, short of additional motion practice.

As you may be aware, there is already a motion pending seeking relief from compliance with PTO 28 under the Agard caption, and today we are filing our response to a Motion to Dismiss in the Oakley case, which seeks similar relief.

Since the arguments will not differ in any of the cases referred to in your letter, as a matter of common sense and judicial economy, I am asking that you agree to hold off making any motions until such time as there are rulings on both the Agard and Oakley motions, or at minimum, until the Agard motion is decided.

In the event you do not agree to do so, I will request a conference with the Court for purposes of requesting that no further motions be made until we get rulings in Agard and/or Oakley.

Please feel free to contact me if you want to discuss any of the issues described above. Also, I would appreciate it if you notify me if you are not agreeable to the above prior to making any motion, so I can request a conference as noted above.

Thank you for your consideration in this matter.

Very truly yours,


Ronald R. Benjamin

RRB/tlh

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October 28, 2008

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BY FACSIMILE (607-772-1678)

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Subject: *In Re Vioxx Products Liability Litigation*, MDL No. 1657

Dear Mr. Benjamin:

This letter responds to your letter of October 27, 2008 regarding the PTO 28 deficiency letters that we sent to you on October 22. Please be advised that under the terms of PTO 28, we are not permitted to file a motion for at least 30 days after we issue the initial deficiency letter. See PTO 28 § II.D. Moreover, the Order provides that you will have yet an additional 30 days after we file our motion to provide a response. Accordingly, we have every intention of complying fully with the enforcement provisions of PTO 28, and we will not initiate any motion practice under that Order until on or after November 21, 2008. (It is also worth noting that, by that time, you will have had more than one full year to comply with the discovery provisions of PTO 28.)

I believe that this should address the concerns raised in your letter.

Very Truly Yours,


M. Elaine Horn

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October 29, 2008

By Facsimile Only

(202) 434-5029

M. Elaine Horn, Esq.
Williams & Connolly, LLP
725 Twelfth Street, N.W.
Washington, DC 20005-5901

Re: Vioxx Products Liability Litigation, MDL No. 1657

Dear Ms. Horn:


I have received your letter of October 28, 2008 and must interpret the same as a refusal to provide an extension as requested in my letter of October 27, 2008.

I am aware of the time frame set forth in PTO 28 and depending on when the Court rules, the issue may be moot; however that is not the case at this time.

In the event that you adhere to the position taken in your letter of October 28, 2008 I will request a conference as set forth in my letter of October 27, 2008.

Please let me know if you will reconsider your position.

Very truly yours,



Ronald R. Benjamin

RRB/dw

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November 5, 2008

The Honorable Eldon E. Fallon
United States District Court for the
Eastern District of Louisiana
500 Poydras Street
Room C-456
New Orleans, LA 70130

Re: In Re Vioxx Product Liability Litigation, MDL No. 1657

Dear Judge Fallon:

Please let this letter serve as a request for a pre-motion conference for the purpose of staying further motions by Merck for noncompliance with PTO 28, for reasons which follow.

On August 8, 2008 Merck wrote counsel of its intent to move to dismiss for failure to comply with the preservation requirements set forth in PTO 28.

On October 22, 2008 Merck wrote counsel of its intent to move to dismiss 29 cases for failure to comply with the expert disclosure requirements set forth in PTO 28 (I am annexing herewith the list Merck sent with this letter). If Merck's position persists additional motions will follow in that plaintiffs presently represented by this office are awaiting the outcome of the Agard motion rather than unnecessarily burden the Court's calendar by bringing repetitive motions, raising identical issues to those pending in Agard.

As a result counsel has written and spoken with Merck's counsel seeking to have Merck hold off making any further motions to dismiss pursuant to Rule 41 (b) alleging failures to comply with PTO 28 until the Court has decided the Agard motion presently pending. Merck has refused and indicated that it will continue moving to dismiss, relying exclusively on the terms of PTO 28 and the allegations plaintiff has failed to comply with the same.

It is only necessary to preface the reasons for the relief sought by noting that each of these plaintiffs has acted diligently to the best of their ability prosecuting their actions, and that it is a

bitter irony that plaintiffs who are seeking a timely adjudication on the merits of the claims are now forced to seek a stay pending the Court's decision in the Agard motion.

It is only obvious Merck is seeking to increase the plaintiff's transactional costs in that plaintiffs would have to oppose each motion with the submission of fact sheets and whatever other additional information has been provided case-by-case, for purposes of demonstrating that if Merck is entitled to a remedy it would not be the extreme sanction of dismissal.

The Fifth Circuit has made clear that it is only in the face of a clear record of delay or contumacious conduct by the plaintiff that a sanction as severe as dismissal would be warranted pursuant to Rule 41 (b). *Durham v. Florida East Coast Ry Co.*, 385 F. 2d 366, 368 (5th Cir. 1967). Indeed the Ninth Circuit observed that Rule 41 (b) "In large part a housekeeping measure". *Nealy v. Transportation Maritima Mexicana, S. A.* 662 F. 2d 1275, 1279 (9th Cir. 1980). Merck cannot deny the fact that the cases which it includes in the list annexed to its October 22, 2008 letter are claims which are meritorious, and perhaps more importantly that it has more than sufficient information to move forward in the discovery process, but simply refuses to do so because of the advantages it has achieved in securing PTO 28.

Merck is fully aware of the same. It is respectfully submitted Merck's intention is to generate as much satellite litigation as possible in an effort to avoid reaching the merits of the plaintiff's claims. Even if the Court rejects the arguments being made in the Agard motion, plaintiffs would hope the Court recognizes the same are made in good faith, and that permitting Merck to go forward in the absence of a decision from the Court opens the door to precisely the type of duplicative, time-consuming, and unnecessary motion practice that could be avoided once the issues plaintiff raises are resolved.

Thank you for your consideration regarding the above.

Respectfully,



Ronald R. Benjamin

RRB/dw
/Attachment
cc: Theodore V.H. Mayer, Esq/via email
Russ M. Herman, Esq/via email
Phillip Wittmann, Esq./via email

Case	Docket Number	Plaintiff Last Name	Plaintiff First Name	MI
Adelberg, Carol v. Merck & Co., Inc.	2:08-cv-04173-EEF-DEK	Adelberg	Carol	
Adelberg, Carol v. Merck & Co., Inc.	2:08-cv-04173-EEF-DEK	Amendoeira	Antonio	
Alapeck, Geraldine M v. Merck & Co., Inc.	2:08-cv-03221-EEF-DEK	Alapeck	Geraldine	M
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Alapeck	Geraldine	M
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Bilik	Helen	
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Boone	Elizabeth	
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Croft	Carolyn	S
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Mahar	Mary	J
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Santacrose	Dean	
Bilik, Helen v. Merck & Co., Inc.	2:08-cv-04172-EEF-DEK	Simmons	Stasia	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Cadwell	Albert	D
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Cadwell	Samuella	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Corprew	Wilbert	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Plocek	Elsa	
Cadwell, Samuella v. Merck & Co., Inc.	2:08-cv-04167-EEF-DEK	Schaffer	Ronald	H
Cavallo, Matthew v. Merck & Co., Inc.	2:05-cv-01513-EEF-DEK	Smith	Victoria	

Case	Docket Number	Plaintiff Last Name	Plaintiff First Name	MI
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Connolly	Marjorie	
Connolly, Marjorie v. Merck & Co., Inc.	2:06-cv-02708-EEF-DEK	Harris, Jr.	Charles	
Croft, Caroline S. v. Merck & Co., Inc.	2:08-cv-04171-EEF-DEK	Croft	Caroline	S
DeVincentiis, Carlo v. Merck & Co., Inc.	2:05-cv-02297-EEF-DEK	Lindsey	Kimberly	
Dufresne, Lori v. Merck & Co., Inc.	2:08-cv-03220-EEF-DEK	Spencer	Frank	
Gates, Robert D. v. Merck & Co., Inc.	2:05-cv-06221-EEF-DEK	Gehm	Herbert	
Hoffner, Kathleen v. Merck & Co., Inc.	2:06-cv-02238-EEF-DEK	Hoffner	Kathleen	
Holobosky, Rosemary v. Merck & Co., Inc.	2:05-cv-01091-EEF-DEK	Smith	Sheila	
Mahar, Mary J. v. Merck & Co., Inc.	2:08-cv-03222-EEF-DEK	Mahar	Mary	J
Pitcher, Kevin v. Merck & Co., Inc.	2:08-cv-04170-EEF-DEK	Pitcher	Kevin	
Raftis, Marianne v. Merck & Co., Inc.	2:08-cv-04166-EEF-DEK	Raftis	Marianne	
Santacrose, Dean v. Merck & Co., Inc.	2:08-cv-04168-EEF-DEK	Santacrose	Dean	
Steinhoff, Margaret v. Merck & Co., Inc.	2:08-cv-04169-EEF-DEK	Steinhoff	Margaret	

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Hon. Eldon E. Fallon
United States District Court
Eastern District of Louisiana
500 Poydras Street
New Orleans, LA 70130

Dear Judge Fallon:

I am writing in response to Mr. Benjamin's November 5, 2008 letter regarding his non-compliance with PTO 28. Specifically, Mr. Benjamin appears to be requesting that his obligations to comply with PTO 28 should be held in abeyance pending resolution of his pending motion in *Agard* to Vacate or Modify The Master Settlement Agreement. For the reasons stated in the separate reply briefs filed by Merck and the PSC, the *Agard* motion lacks any merit whatsoever. Moreover, Mr. Benjamin has had more than one full year to comply with the minimal requirements set out in PTO 28, but has inexplicably failed to do so. No additional delay is warranted.

This is not the first time that Mr. Benjamin seeks to avoid obligations applicable to all other lawyers. As previously pointed out by the PSC, Mr. Benjamin has a history of thumbing his nose at court orders, particularly ones requiring the production of case specific expert reports. See Plaintiffs Steering Committee's Response to The *Agard* Plaintiffs' Motion to Vacate or Modify The Master Settlement Agreement, Etc. at 5-7. Notably, even though this conduct previously resulted in the dismissal of the claims of several of his clients in the *Diet Drug* litigation, Mr. Benjamin nevertheless repeats that pattern of conduct here. See *id.* (discussing Third Circuit rulings in *In re Diet Drugs*, 30 Fed Appx. 27, 2002 WL 272351 at *1 (3rd Cir. Feb 26, 2002)).

The baseless nature of Mr. Benjamin's request becomes readily apparent when placed in the overall context of this litigation. As this Court has previously explained, in light of the extensive work already performed in this MDL, "it is not too much to ask a Plaintiff to provide some kind of evidence to support their claim that Vioxx caused them personal injury," and there must be some "minimal showing consistent with Rule 26 that there is some kind of scientific basis that Vioxx could cause the alleged injury." See Order & Reasons, Doc. 14,567, *In re Vioxx*

Page 2

Prods. Liab. Litig., MDL No. 1657 (E.D. La. May 30, 2008) ("May 30 Order") at 5-6. In that vein, on November 9, 2007, this Court entered PTO 28, which requires, *inter alia*, plaintiffs who wish to pursue their claims to provide specified information regarding those claims, including a Rule 26(a)(2) case-specific expert report. *See* PTO 28 ¶II(A)(8). If plaintiffs fail to produce such a report, the Order provides for a 30-day cure period. *See* PTO 28 ¶II(D). After that cure period has lapsed, the Order provides that "[n]o other extensions will be granted, except for good cause shown." *Id.*

Initially, PTO 28 required plaintiffs to submit their reports by May 1, 2008, and July 1, 2008, depending on their last names. Ultimately, these deadlines were extended to July 1, 2008 and August 1, 2008. Although Mr. Benjamin apparently decided early on that he would not allow *any* of his clients to enter the Resolution Program, he made no efforts to comply with the fundamental requirements of PTO 28.¹ On October 22, 2008, pursuant to PTO 28 ¶II(D), Merck notified Mr. Benjamin of the material deficiencies and provided the requisite 30-day period to cure. Notwithstanding this additional time to comply with PTO 28, Mr. Benjamin elected to not do so. (Indeed, the cure period has not yet expired, and no motion to dismiss has been filed.) Rather, knowing that he has no intention of complying with the Court's order, Mr. Benjamin asks that Merck be prevented from enforcing that order.

The *Agard* motion has been fully briefed, and, at Mr. Benjamin's request, the motion was submitted on the papers. Pending the Court's ruling on the *Agard* motion, compliance with PTO 28 should not be stayed. Merck has not yet filed any motion to dismiss the Benjamin cases and will not do so prior to November 22, the deadline for compliance with the Court's Order. Once that deadline passes without any compliance by Mr. Benjamin with PTO 28, Mr. Benjamin will still have yet an *additional* 30 days to comply with the Order after a motion to show cause is filed. Thus, under the process currently in place Mr. Benjamin will have more than adequate time to comply with PTO 28 – particularly, since he claims that he has already lined up an expert.

In short, Mr. Benjamin has had more than ample time to comply with this Court's Order – all told, more than a year. Compliance with PTO 28 should not be stayed.

Sincerely,



Douglas R. Marvin

¹ The schedule attached to Mr. Benjamin's letter to the Court identifies 29 plaintiffs for which no PTO 28 discovery has been provided at all. There are an additional 32 plaintiffs for whom Mr. Benjamin has provided some PTO 28 discovery, but has not yet provided the required case specific expert report. In contrast to Mr. Benjamin, counsel in scores of other cases that have not enrolled in the Resolution Program have taken steps to comply with the Court's order.

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Transaction ID: 11724459
Submitted by: Kristina Donahue, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Jul 7 2006 10:09AM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(3)
Case Number: 2:06cv2708
Case Name: Connolly, Marjorie et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference:

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Access: Sealed, electronic

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 Marjorie Curtis Plaintiff Profile Form

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Document title:
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Document title:
 Marjorie Curtis Power of Attorney to Son James Curtis

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Document Type: Plaintiff Profile Form
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Transaction Fee: \$0.00
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Document title:
 Kristina R. Donahue Pharmacy Records

Attached Document, 9 Pages Document ID: 6288327[View Original](#) [View PDF](#)

Related Document ID: 6288230

Document Type: **Access:** **Transaction Fee:** **Linked:**

Plaintiff Profile Form	Sealed, electronic	\$0.00	
Document title: Marjorie Connolly Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288337		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Marjorie Connolly PPF Authorizations			
Attached Document, 9 Pages	Document ID: 6288368		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Joanne Hochrun Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288376		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Joanne Hochrun PPF Authorizations			
Attached Document, 4 Pages	Document ID: 6288381		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Joanne Hochrun Pharmacy Records			
Attached Document, 10 Pages	Document ID: 6288397		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Suzanne Holdredge Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288406		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Suzanne Holdredge PPF Authorizations			
Attached Document, 7 Pages	Document ID: 6288412		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Suzanne Holdredge Pharmacy Records			
Attached Document, 9 Pages	Document ID: 6288419		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: William Patrick Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288435		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: William Patrick PPF Authorizations			
Attached Document, 4 Pages	Document ID: 6288440		View Original View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title:			

William Patrick Pharmacy Records

Expand All

☐ Sending Parties (9)

Party	Party Type	Attorney	Firm	Attorney Type
Connolly, Marjorie	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Curtis, Marjorie	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Donahue, Kristina	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Hickok, Sheila	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Hochrun, Joanne	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Holdredge, Larry	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Holdredge, Suzanne	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Patrick, Mary	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Patrick, William	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (11)☐ Service List (11)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Pepper/973231, James	Dechert LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

☐ Additional Recipients (0)☒ Case Parties

Close

LexisNexis File & Serve Transaction Receipt

Transaction ID: 11724459
Submitted by: Kristina Donahue, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Jul 7 2006 10:09AM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(3)
Case Number: 2:06cv2708
Case Name: Connolly, Marjorie et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference:

Documents List**17 Document(s)****Attached Document, 9 Pages Document ID: 6288230**[View Original](#) [View PDF](#)

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee: \$0.00
Linked:

Document title:
Marjorie Curtis Plaintiff Profile Form

Attached Document, 8 Pages Document ID: 6288253[View Original](#) [View PDF](#)

Related Document ID: 6288230

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee: \$0.00
Linked:

Document title:
Marjorie Curtis PPF Authorizations

Attached Document, 3 Pages Document ID: 6288264[View Original](#) [View PDF](#)

Related Document ID: 6288230

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee: \$0.00
Linked:

Document title:
Marjorie Curtis Power of Attorney to Son James Curtis

Attached Document, 10 Pages Document ID: 6288282[View Original](#) [View PDF](#)

Related Document ID: 6288230

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee: \$0.00
Linked:

Document title:
Kristina R. Donahue Plaintiff Profile Form

Attached Document, 8 Pages Document ID: 6288299[View Original](#) [View PDF](#)

Related Document ID: 6288230

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee: \$0.00
Linked:

Document title:
Kristina R. Donahue PPF Authorizations

Attached Document, 10 Pages Document ID: 6288309[View Original](#) [View PDF](#)

Related Document ID: 6288230

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee: \$0.00
Linked:

Document title:
Kristina R. Donahue Pharmacy Records

Attached Document, 9 Pages Document ID: 6288327[View Original](#) [View PDF](#)

Related Document ID: 6288230

Document Type: **Access:**

Transaction Fee: **Linked:**

Plaintiff Profile Form	Sealed, electronic	\$0.00	
Document title: Marjorie Connolly Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288337	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Marjorie Connolly PPF Authorizations			
Attached Document, 9 Pages	Document ID: 6288368	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Joanne Hochrun Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288376	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Joanne Hochrun PPF Authorizations			
Attached Document, 4 Pages	Document ID: 6288381	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Joanne Hochrun Pharmacy Records			
Attached Document, 10 Pages	Document ID: 6288397	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Suzanne Holdredge Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288406	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Suzanne Holdredge PPF Authorizations			
Attached Document, 7 Pages	Document ID: 6288412	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: Suzanne Holdredge Pharmacy Records			
Attached Document, 9 Pages	Document ID: 6288419	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: William Patrick Plaintiff Profile Form			
Attached Document, 8 Pages	Document ID: 6288435	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title: William Patrick PPF Authorizations			
Attached Document, 4 Pages	Document ID: 6288440	View Original	View PDF
Related Document ID: 6288230			
Document Type: Plaintiff Profile Form	Access: Sealed, electronic	Transaction Fee: \$0.00	Linked:
Document title:			

William Patrick Pharmacy Records

Expand All

☐ Sending Parties (9)

Party	Party Type	Attorney	Firm	Attorney Type
Connolly, Marjorie	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Curtis, Marjorie	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Donahue, Kristina	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Hickok, Sheila	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Hochrun, Joanne	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Holdredge, Larry	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Holdredge, Suzanne	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Patrick, Mary	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Patrick, William	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (11)☐ Service List (11)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilis B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giampartone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Pepper/973231, James	Dechert LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

☐ Additional Recipients (0)☒ Case Parties

Close

LexisNexis File & Serve Transaction Receipt

Transaction ID: 11975629
Submitted by: Kristina Donahue, Benjamin, Ronald R
Authorized by: Marya Young, Benjamin, Ronald R
Authorize and file on: Aug 3 2006 3:42PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(3)
Case Number: 2:06cv2708
Case Name: Connolly, Marjorie et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference:

Documents List**11 Document(s)****Attached Document, 9 Pages Document ID: 6535084**[View Original](#)[View PDF](#)

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee:
 \$0.00

Linked:**Document title:**

Charles Harris, Jr. Plaintiff Profile Form

Attached Document, 7 Pages Document ID: 6535101[View Original](#)[View PDF](#)

Related Document ID: 6535084

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee:
 \$0.00

Linked:**Document title:**

Charles Harris, Jr. PPF Certification & Auths

Attached Document, 9 Pages Document ID: 6535144[View Original](#)[View PDF](#)

Related Document ID: 6535084

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee:
 \$0.00

Linked:**Document title:**

Sheila Hickok Plaintiff Profile Form

Attached Document, 8 Pages Document ID: 6535157[View Original](#)[View PDF](#)

Related Document ID: 6535084

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee:
 \$0.00

Linked:**Document title:**

Sheila Hickok PPF Certification & Auths

Attached Document, 74 Pages Document ID: 6535245[View Original](#)[View PDF](#)

Related Document ID: 6535084

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee:
 \$0.00

Linked:**Document title:**

Sheila Hickok Medical Records "Exhibit A"

Attached Document, 5 Pages Document ID: 6535314[View Original](#)[View PDF](#)

Related Document ID: 6535084

Document Type: Plaintiff Profile Form
Access: Sealed, electronic

Transaction Fee:
 \$0.00

Linked:**Document title:**

Sheila Hickok PPF Exhibits B & C

Attached Document, 10 Pages Document ID: 6535362[View Original](#)[View PDF](#)

Related Document ID: 6535084

Document Type: **Access:** **Transaction Fee:** **Linked:**

Plaintiff Profile Form Sealed, electronic \$0.00

Document title:

Maurice Hoyt Plaintiff Profile Form

Attached Document, 8 Pages Document ID: 6535373

Related Document ID: 6535084

[View Original](#) [View PDF](#)

Document Type:

Plaintiff Profile Form

Access:

Sealed, electronic

Transaction Fee:

\$0.00

Linked:**Document title:**

Maurice Hoyt PPF Certification & Auths

Attached Document, 10 Pages Document ID: 6535392

Related Document ID: 6535084

[View Original](#) [View PDF](#)

Document Type:

Plaintiff Profile Form

Access:

Sealed, electronic

Transaction Fee:

\$0.00

Linked:**Document title:**

Frank Kunik, Sr. Plaintiff Profile Form

Attached Document, 8 Pages Document ID: 6535402

Related Document ID: 6535084

[View Original](#) [View PDF](#)

Document Type:

Plaintiff Profile Form

Access:

Sealed, electronic

Transaction Fee:

\$0.00

Linked:**Document title:**

Frank Kunik, Sr. PPF Certification & Auths

Attached Document, 5 Pages Document ID: 6535417

Related Document ID: 6535084

[View Original](#) [View PDF](#)

Document Type:

Plaintiff Profile Form

Access:

Sealed, electronic

Transaction Fee:

\$0.00

Linked:**Document title:**

Frank Kunik, Sr. Medical Records "Exhibit A"

Expand All

☐ **Sending Parties (5)**

Party	Party Type	Attorney	Firm	Attorney Type
Harris, Charles Jr	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Hickok, Sheila	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Hoyt, Angela	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Kunik, Carol	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Kunik, Frank Sr	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (11)**

☐ **Service List (11)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service

Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

☐ Additional Recipients (0)

☐ **Case Parties**

Close

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

•

Fax: (607) 772-1678

•

e-mail: ronbenjaminlaw@stny.rr.com

LAW OFFICE OF RONALD R. BENJAMIN

attorneys at law

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

July 7, 2006

Wilferd P. Coronato
Hughes, Hubbard, & Reed, LLP
101 Hudson Street, Suite 3601
Jersey City, NJ 07302-3918

Re: Marjorie Connolly, et al. v. Merck & Co., Inc., et al.

Case No.: 2:06-cv-2708

Subject: **Marjorie Connolly**

Dear Mr. Coronato:

Enclosed please find following with respect to the above-named plaintiff:

- (1) Plaintiffs Fact Sheet with:
 - (A) Certification page
- (2) Signed Releases compliant with Pretrial Order #18C.

After you have had the opportunity to review the enclosures, please advise if you require additional information or releases.

Very truly yours,

Ronald R. Benjamin

RRB/krd
enclosures

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 12, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Matias v. Pfizer, Inc., et. al.,

Index No.: 111312/06

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Mary K. Matias:

1. Plaintiff Profile Form with original signature certification page along with an index to Matias' medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Matias' medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

• Fax: (607) 772-1678 •

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 12, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Boone v. Pfizer, Inc., et. al.,

Index No.: 11294/06

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Elizabeth Boone:

1. Plaintiff Profile Form with original signature certification page along with an index to Boone's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Boone's medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 12, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Steinhoff, et. Al., v. Pfizer, Inc., et. al.,

Index No.: 111292/06

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Margaret Steinhoff:

1. Plaintiff Profile Form with original signature certification page along with an index to Steinhoff's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Steinhoff medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 22, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Raftis v. Pfizer, Inc., et. al.,

Index No.: 111297/06

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Marriane Raftis:

1. Plaintiff Profile Form with original signature certification page along with an index to Raftis' medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Raftis' medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 22, 2007

Via Regular Mail

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Raftis v. Pfizer, Inc., et. al.,

Index No.: 111297/06

Dear Mr. Brundige:

Enclosed please find supplemental pharmacy records for Marianne Raftis.

Very truly yours,

Ronald R. Benjamin

RRB/dw

/Enclosure

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 22, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Croft v. Pfizer, Inc., et. al.,

Index No.: 111295/06

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff
Caroline S. Croft:

1. Plaintiff Profile Form with original signature certification page along with an index to Croft's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Croft's medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin*

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 23, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Pitcher v. Pfizer, Inc., et. al.,

Index No.: 111311/06

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Carol Adelberg:

1. Plaintiff Profile Form with original signature certification page along with an index to Kevin Pitcher's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Pitcher's medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 23, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Corprew v. Pfizer, Inc., et. al.,

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Wilbert Corprew:

1. Plaintiff Profile Form with original signature certification page along with an index to Corprew's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Corprew's medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *
Marya C. Young *
Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia
Phone: (607) 772-1442

• Fax: (607) 772-1678 •

RONALD R. BENJAMIN

ATTORNEY AT LAW
126 Riverside Drive
P.O. Box 607
Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 23, 2007

Via FedEx Priority Overnight

Robert W. Brundige, Jr., Esq.
Hughes Hubbard & Reed LLP
101 Hudson Street, Suite 3601
Jersey City, New Jersey 07302-3910

Re: Bilik v. Pfizer, Inc., et. al.,
Index No.: 106237/05

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Helen Bilik:

1. Plaintiff Profile Form with original signature certification page along with an index to Bilik's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Bilik's medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

November 1, 2007

Via Regular Mail

Robert W. Brundige, Jr., Esq.

Hughes Hubbard & Reed LLP

101 Hudson Street, Suite 3601

Jersey City, New Jersey 07302-3910

Re: Mahar v. Pfizer, Inc., et. al.,

Index No.: 111301/06

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Mary J. Mahar:

1. Plaintiff Profile Form with original signature certification page along with an index to Mahar's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, original signature (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Mahar's medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw

Ronald R. Benjamin *
Marya C. Young *
Mary Jane Murphy (of Counsel)

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW
126 Riverside Drive
P.O. Box 607
Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

November 2, 2007

Via Regular Mail

Robert W. Brundige, Jr., Esq.
Hughes Hubbard & Reed LLP
101 Hudson Street, Suite 3601
Jersey City, New Jersey 07302-3910

Re: Adelberg v. Pfizer, Inc., et. al.,
Index No.: 401585/2007

Dear Mr. Brundige:

Pursuant to Stipulated Discovery Order, enclosed please find the following for plaintiff Carol Adelberg:

1. Plaintiff Profile Form with faxed signature certification page (original to follow) along with an index to Adelberg's medical records attached thereto.
2. Four duly signed, undated HIPAA authorizations, fax signature (original to follow) (medical, psychological/psychiatric, psychotherapy notes, release of records for plaintiff making a claim for lost wages).
3. CD with Adelberg's medical records, with plaintiff's attorney name, address and phone number clearly printed on CD box, CD labeled with plaintiff's name and index number.
4. Affidavit of Service.

Very truly yours,

Ronald R. Benjamin

RRB/dw
/Enclosures

LAW OFFICES OF RONALD R. BENJAMIN
ATTORNEYS AT LAW

Ronald R. Benjamin*
Marya C. Young*
Mary Jane Murphy (of counsel)

* Also admitted in the District of Columbia

126 RIVERSIDE DRIVE, P.O. BOX 607
BINGHAMTON, NEW YORK 13902-0607
Tel. No.: (607) 772-1442
Fax No.: (607) 772-1678
E-mail: ronbenj@aol.com

February 1, 2008

Robert W. Brundige, Jr., Esq.
Hughes Hubbard & Reed LLP
101 Hudson Street, Suite 3601
Jersey City, NJ 07302-3910

Re: In re Vioxx Products Liability Litigation

Dear Mr. Brundige:

I have received your fax informing me that the Plaintiff Profile Forms ("PPFs") submitted for Hilda Peltz and Dean Santacrose were on the improper forms. Please find the corrected forms enclosed.

Thank you for bringing this matter to our attention.

Sincerely,

Megan Clark
Legal Assistant
Law Office of Ronald R. Benjamin
126 Riverside Drive
Binghamton, NY 13905
607-772-1442

/mc
Enclosure

LAW OFFICE OF RONALD R. BENJAMIN
ATTORNEYS AT LAW

Ronald R. Benjamin*
Marya C. Young*

126 Riverside Drive
P.O. Box 607
Binghamton, NY 13902-0607

**Also Admitted in the District of Columbia*

Phone: (607) 772-1442 • Fax: (607) 772-1678 • email ronbenjaminlaw@stny.rr.com

July 17, 2008

Robert Brundige, Esq.
Attn: Dave McCallen
Hughes Hubbard & Reed
101 Hudson Street, Suite 3601
Jersey City, NJ 07302 – 3910

Dear Mr. Brundige/ Mr. McCallen:

Enclosed you will find corrected PPFs for:

Elizabeth Boone
Anthony Orioles
Mary Matias
Elizabeth Bates
Margharita Giordano

as well as deficiency responses for:

Richard Egan
Barbara Jaros

Thank you for your assistance correcting the above issues.

Very truly yours,

Megan Clark

Ronald R. Benjamin *

Marya C. Young *

Mary Jane Murphy

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

Fax: (607) 772-1678

RONALD R. BENJAMIN

ATTORNEY AT LAW

126 Riverside Drive

P.O. Box 607

Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

October 22, 2007

By Facsimile Only

(212) 422-4726

Jennifer Alpern Hecht, Esq.

Hughes Hubbard & Reed LLP

One Battery Park Plaza

New York, New York 10004-1482

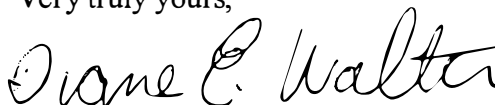
Re: Adelberg, et. al., v. Pfizer, et. al.; Croft v. Pfizer; Pitcher v. Pfizer; Nobile v. Pfizer; Smith v. Pfizer; Dixon v. Pfizer; Simmons v. Pfizer; Bilik v. Pfizer

Dear Ms. Hecht:

This letter is to advise you that we will be sending our second batch of plaintiff PPF's, medical records, etc., via Fed- Ex tomorrow.

Thank you.

Very truly yours,



Diane E. Walter

Paralegal

Ronald R. Benjamin*

Maya C. Young*

Mary Jane Murphy

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

LAW OFFICE OF RONALD R. BENJAMIN

attorneys at law
126 Riverside Drive
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Binghamton, NY 13902

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e-mail: ronbenjaminlaw@stny.rr.com

February 16, 2006

Wilferd P. Coronato
Hughes, Hubbard, & Reed, LLP
101 Hudson Street, Suite 3601
Jersey City, NJ 07302-3918

Re: Carlo DeVincentis, et al. v. Merck & Co., Inc.
Case No.: 2:05-cv-2297
Subject: **Kimberly Lindsey**

Dear Mr. Coronato:

Enclosed please find following with respect to the above-named plaintiff:

- (1) Plaintiffs Fact Sheet with:
(A) Certification page; and
(B) Exhibit A - pharmacy records.
- (2) Signed Releases compliant with Pretrial Order #18B.

After you have had the opportunity to review the enclosures, please advise if you require additional information or releases.

Very truly yours,

Ronald R. Benjamin

RRB/krd
enclosures

Ronald R. Benjamin*

Marya C. Young*

Mary Jane Murphy

Also Admitted in the District
Of Columbia

Phone: (607) 772-1442

LAW OFFICE OF RONALD R. BENJAMIN

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Binghamton, NY 13902

e-mail: ronbenjaminlaw@stny.rr.com

• Fax: (607) 772-1678 •

July 7, 2006

Wilferd P. Coronato
Hughes, Hubbard, & Reed, LLP
101 Hudson Street, Suite 3601
Jersey City, NJ 07302-3918

Re: Kathleen Hoffner, et al. v. Merck & Co., Inc., et al.

Case No.: 2:06-cv-2238

Subject: **Kathleen Hoffner**

Dear Mr. Coronato:

Enclosed please find following with respect to the above-named plaintiff:

- (1) Plaintiffs Fact Sheet with:
(A) Certification page; and
(B) Exhibit A - Pharmacy Records
- (2) Signed Releases compliant with Pretrial Order #18C.

After you have had the opportunity to review the enclosures, please advise if you require additional information or releases.

Very truly yours,

Ronald R. Benjamin

RRB/lrd
enclosures

LexisNexis File & Serve Transaction Receipt

Transaction ID: 19913681
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: May 20 2008 3:57PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:06cv02708
Case Name: Connolly, Marjorie et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: patrick

Documents List**2 Document(s)****Attached Document, 5 Pages Document ID: 15089652**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 William Patrick, First Set of Interrogatory Responses

Attached Document, 4 Pages Document ID: 15089668

PDF Format | Original Format

Related Document ID: 15089652

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 Mary Patrick, First Set of Interrogatory Responses

Expand All

☐ **Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
Patrick, Mary	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Patrick, William	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (12)**☐ _Service List (12)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilja B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service

Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

☐ Additional Recipients (0)

☐ **Case Parties**



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LexisNexis File & Serve Transaction Receipt

Transaction ID: 19913595
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: May 20 2008 3:55PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv06221
Case Name: Gates, Mary et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: gates

Documents List**2 Document(s)****Attached Document, 6 Pages Document ID: 15089561**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 First Set of Interrogatory Responses

Attached Document, 4 Pages Document ID: 15089572

PDF Format | Original Format

Related Document ID: 15089561

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 First Set of Interrogatory Responses

Expand All

☐ **Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
Gates, Mary	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Gates, Robert D	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (12)**☐ **Service List (12)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilja B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service

Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

☐ Additional Recipients (0)

☐ **Case Parties**



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LexisNexis File & Serve Transaction Receipt

Transaction ID: 19913498
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: May 20 2008 3:53PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01089
Case Name: Agard, David et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: O'Connor

Documents List**2 Document(s)****Attached Document, 6 Pages Document ID: 15089472**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:

First Set of Interrogatory Responses

Attached Document, 4 Pages Document ID: 15089484

PDF Format | Original Format

Related Document ID: 15089472

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:

First Set of Interrogatory Responses

Expand All

☐ **Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
O'Connor, Karen	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
O'Connor, Ronald R	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (19)**☐ **Service List (19)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Kleinberg, Norman C	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mayer, Theodore	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed	National	E-

				LLP-New York	Counsel	Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

☐ Additional Recipients (0)

☐ Case Parties

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 19913421
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: May 20 2008 3:51PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01091
Case Name: Holobosky, Rosemary et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: sullivan

Documents List**2 Document(s)****Attached Document, 6 Pages Document ID: 15089363**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 First Set of Interrogatory Responses

Attached Document, 5 Pages Document ID: 15089380

PDF Format | Original Format

Related Document ID: 15089363

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 First Set of Interrogatory Responses

Expand All

☐ **_Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
Sullivan, Genevieve	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Sullivan, Thomas	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **_Recipients (17)**☐ **_Service List (17)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter	National	E-

Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Wittmann LLC	Counsel	Service
				Stone Pigman Walter	National	E-
				Wittmann LLC	Counsel	Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter	National	E-
				Wittmann LLC	Counsel	Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

☐ Additional Recipients (0)

☐ Case Parties



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LexisNexis File & Serve Transaction Receipt

Transaction ID: 19913356
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: May 20 2008 3:49PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01088
Case Name: Dier, Glenn L et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: mack

Documents List**1 Document(s)****Attached Document, 6 Pages Document ID: 15089285**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic
Statutory Fee: \$0.00
Linked:

Document title:
 First Set of Interrogatory Responses

[Expand All](#)☐ **Sending Parties (1)**

Party	Party Type	Attorney	Firm	Attorney Type
Mack, Timothy F	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (18)**☐ **Service List (18)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service

Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

☐ Additional Recipients (0)

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Transaction ID: 19933162
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: May 21 2008 3:54PM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01090
Case Name: Ajibory, Adnan et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Robinson

Documents List**1 Document(s)****Attached Document, 6 Pages Document ID: 15113394**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic
Statutory Fee: \$0.00
Linked:

Document title:
 Rosanna Robinson, First Set of Interrogatories

Expand All

☐ **Sending Parties (1)**

Party	Party Type	Attorney	Firm	Attorney Type
Robinson, Rosanna Plaintiff		Benjamin, Ronald R Benjamin, Ronald R		Attorney in Charge

☐ **Recipients (19)**☐ **Service List (19)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Kleinberg, Norman C	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mayer, Theodore	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service

Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston- Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

☐ Additional Recipients (0)

☐ **Case Parties**



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LexisNexis File & Serve Transaction Receipt

Transaction ID: 20235270
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Jun 13 2008 10:48AM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01091
Case Name: Holobosky, Rosemary et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Ann Mannino

Documents List**2 Document(s)****Attached Document, 6 Pages Document ID: 15491156**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 Ann Mannino, First Set of Interrogatories

Attached Document, 4 Pages Document ID: 15491180

PDF Format | Original Format

Related Document ID: 15491156

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 Joseph Mannino, First Set of Spouse Interrogatories

[Expand All](#)

☐ **Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
Mannino, Ann Marie	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Mannino, Joseph	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (17)**☐ **Service List (17)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter	National	E-

Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Wittmann LLC	Counsel	Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Williams & Connolly LLP	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Womble Carlyle Sandridge & Rice PLLC-Winston- Salem	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

☐ Additional Recipients (0)

☐ **Case Parties**



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LexisNexis File & Serve Transaction Receipt

Transaction ID: 20234552
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Jun 13 2008 10:45AM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv02297
Case Name: DeVincentiis, Carlo vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Arthur Pratt

Documents List**2 Document(s)****Attached Document, 6 Pages Document ID: 15490974**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:

Arthur Pratt, First Set of Interrogatories

Attached Document, 4 Pages Document ID: 15491026

PDF Format | Original Format

Related Document ID: 15490974

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:

Sylvia Pratt, First Set of Spouse Interrogatories

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☐ **Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
Pratt, Arthur Plaintiff		Benjamin, Ronald R Benjamin, Ronald R	Attorney in Charge	
Pratt, Sylvia Plaintiff		Benjamin, Ronald R Benjamin, Ronald R	Attorney in Charge	

☐ **Recipients (15)**☐ **Service List (15)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter	Attorney in	E-

Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Wittmann LLC	Charge	Service
				Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston- Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 20235380
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Jun 13 2008 10:50AM CDT

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv02583
Case Name: Core, Richard F vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: Richard Core

Documents List**2 Document(s)****Attached Document, 6 Pages Document ID: 15491310**

PDF Format | Original Format

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 Richard Core, First Set of Interrogatories

Attached Document, 4 Pages Document ID: 15491338

PDF Format | Original Format

Related Document ID: 15491310

Document Type: Interrogatory Responses
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
 Marilyn Core, First Set of Spouse Interrogatories

Expand All

☐ **Sending Parties (2)**

Party	Party Type	Attorney	Firm	Attorney Type
Core, Marilyn Ruth	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Core, Richard R	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ **Recipients (13)**☐ **Service List (13)**

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Armstrong, Steven E	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
				Womble Carlyle Sandridge	Attorney in	E-

Service	Merck & Co Inc	Defendant	Giamportone, Susan J	& Rice PLLC-Winston-Salem	Charge	Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

☐ Additional Recipients (0)

☒ Case Parties

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23126675
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 5:14PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01091
Case Name: Holobosky, Rosemary et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Mannino

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19026332

[PDF Format](#) | [Original Format](#)

Document Type:
Discovery Response

Access:
Sealed, electronic

Statutory Fee:
\$0.00

Linked:

Document title:

Case Specific Expert Report Ann Mannino

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
Mannino, Ann Marie	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Mannino, Joseph	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (17)

☐ Service List (17)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants	Defendant	Williams, Catherine	McCranie Sistrunk Anzelmo	National	E-
	Liaison Counsel		Michelle Shelly	Hardy Maxwell & McDaniel	Counsel	Service
Service	Defendants	Defendant	Wimberly, Dorothy H	Stone Pigman Walter	National	E-
	Liaison Counsel			Wittmann LLC	Counsel	Service
Service	Defendants	Defendant	Wittmann, Phillip	Stone Pigman Walter	Attorney in	E-
	Liaison Counsel			Wittmann LLC	Charge	Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed	National	E-
				LLP-New York	Counsel	Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in	E-
					Charge	Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed	National	E-
				LLP-New York	Counsel	Service
					Attorney in	E-

Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Charge	Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23126710
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 5:17PM CST

Court: LA US District Court Eastern District E-Service-Viox
Division/Courtroom: N/A
Case Class: Civil-Viox
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv02297
Case Name: DeVincentiis, Carlo vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Pratt

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19026381

[PDF Format](#) | [Original Format](#)

Document Type: Discovery Response
Access: Sealed, electronic
Statutory Fee: \$0.00
Linked:

Document title:

Case Specific Expert Report Arthur Pratt

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
Pratt, Arthur Plaintiff		Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Pratt, Sylvia Plaintiff		Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (15)

☐ Service List (15)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
				Stone Pigman Walter	Attorney in	E-

Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Wittmann LLC	Charge	Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

[+ Additional Recipients \(0\)](#)

[+ Case Parties](#)

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23125489
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:29PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv06221
Case Name: Gates, Mary et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: Berthel

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025033

PDF Format | Original Format

Document Type:
Discovery Response

Access:
Sealed, electronic

Statutory Fee:
\$0.00

Linked:

Document title:

Case Specific Expert Report as to Scott Berthel only

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☐ Sending Parties (1)

Party	Party Type	Attorney	Firm	Attorney Type
Berthel, Scott	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (12)

☐ Service List (12)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilja B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service

Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

Additional Recipients (0)

Case Parties



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Transaction ID: 23125700
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:32PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01513
Case Name: Cavallo, Matthew vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Cavallo

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025180

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Document Type: Discovery Response
Access: Sealed, electronic

Statutory Fee: \$0.00
Linked:

Document title:
Case Specific Expert Report Matthew Cavallo only

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Party	Party Type	Attorney	Firm	Attorney Type
Cavallo, Matthew	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Cavallo, Sally	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

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Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
				Stone Pigman Walter	National	E-

Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Wittmann LLC	Counsel	Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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Transaction ID: 23125797
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:37PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv02583
Case Name: Core, Richard F vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: Core

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025297

PDF Format | Original Format

Document Type:
Discovery Response

Access:
Sealed, electronic

Statutory Fee:
\$0.00

Linked:

Document title:

Case Specific Expert Report Richard Core only

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
Core, Marilyn Ruth	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Core, Richard R	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (13)

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Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
				Hughes Hubbard & Reed	Attorney in	E-

Service	Merck & Co Inc	Defendant	Armstrong, Steven E	LLP-New York	Charge	Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E-Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E-Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23125881
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:40PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:06cv02708
Case Name: Connolly, Marjorie et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: Curtis

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025403

[PDF Format](#) | [Original Format](#)

Document Type:
Discovery Response

Access:
Sealed, electronic

Statutory Fee:
\$0.00

Linked:

Document title:

Case Specific Expert Report Marjorie Curtis

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☐ Sending Parties (1)

Party	Party Type	Attorney	Firm	Attorney Type
Curtis, Marjorie Plaintiff		Benjamin, Ronald R Benjamin, Ronald R		Attorney in Charge

☐ Recipients (12)

☐ Service List (12)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilja B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service

Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23125958
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:44PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01089
Case Name: Agard, David et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Demoski

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025514

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Document Type: Discovery Response
Access: Sealed, electronic
Statutory Fee: \$0.00
Linked:

Document title:

Case Specific Expert Report Jim Demoski

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
Demoski, Doreem	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Demoski, James	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (19)

☐ Service List (19)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCrane Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Kleinberg, Norman C	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
				Hughes Hubbard & Reed	Attorney in	E-

Service	Merck & Co Inc	Defendant	Mayer, Theodore	LLP-New York	Charge	Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23126028
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:47PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01089
Case Name: Agard, David et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Edward Henderson

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025620

PDF Format | Original Format

Document Type:
Discovery Response

Access:
Sealed, electronic

Statutory Fee:
\$0.00

Linked:

Document title:

Case Specific Expert Report Edward Henderson

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
Henderson, Edward Hunt	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Henderson, Louise	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (19)

☐ Service List (19)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Kleinberg, Norman C	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
				Hughes Hubbard & Reed	Attorney in	E-

Service	Merck & Co Inc	Defendant	Mayer, Theodore	LLP-New York	Charge	Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23126095
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:49PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:06cv02708
Case Name: Connolly, Marjorie et al vs Merck & Co Inc

Transaction Option: Serve Only - Private
Billing Reference: Hia

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025713

[PDF Format](#) | [Original Format](#)

Document Type: Discovery Response
Access: Sealed, electronic
Statutory Fee: \$0.00
Linked:

Document title:
Case Specific Expert Report Kristine Hia

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☐ Sending Parties (1)

Party	Party Type	Attorney	Firm	Attorney Type
Hia, Kristine	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (12)

☐ Service List (12)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service

Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23126162
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:52PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:06cv05779
Case Name: Kurtz, Mary vs Pfizer Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Kurtz

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025795

[PDF Format](#) | [Original Format](#)

Document Type:
Discovery Response

Access:
Sealed, electronic

Statutory Fee:
\$0.00

Linked:

Document title:

Case Specific Expert Report Mary Kurtz

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☐ Sending Parties (1)

Party	Party Type	Attorney	Firm	Attorney Type
Kurtz, Mary Plaintiff		Benjamin, Ronald R Benjamin, Ronald R		Attorney in Charge

☐ Recipients (12)

☐ Service List (12)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Hayes, Vilja B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service

Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23126202
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 4:54PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv02297
Case Name: DeVincentiis, Carlo vs Merck & Co Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Lord

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19025858

[PDF Format](#) | [Original Format](#)

Document Type: Discovery Response
Access: Sealed, electronic
Statutory Fee: \$0.00
Linked:

Document title:
Case Specific Expert Report Wilson Lord

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
Lord, Rebecca	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
Lord, Wilson E	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (15)

☐ Service List (15)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
				Stone Pigman Walter	Attorney in	E-

Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Wittmann LLC	Charge	Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Hayes, Vilia B	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

☐ [Additional Recipients \(0\)](#)

☐ **Case Parties**

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23127085
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 5:47PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(3)
Case Number: 2:08cv04167
Case Name: Cadwell, Samuella et al vs Pfizer Inc et al

Transaction Option: Serve Only - Private
Billing Reference: Schaffer

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19026826

[PDF Format](#) | [Original Format](#)

Document Type: Other Court Filed Documents
Access: Secure Public
Statutory Fee: \$0.00
Linked:

Document title:

Suggestion of Death as to Ronald Schaffer only

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
Schaffer, Beverly	Plaintiff	No Answer on File	Firm TBD	Attorney in Charge
Schaffer, Ronald H	Plaintiff	No Answer on File	Firm TBD	Attorney in Charge

☐ Recipients (10)

☐ Service List (9)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Mayer, Theodore	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
				Hughes Hubbard & Reed	Attorney in	E-

Service	Merck & Co Inc	Defendant	Hayes, Vilia B	LLP-New York	Charge	Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Co-Counsel	E-Service

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☐ Case Parties

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LexisNexis File & Serve Transaction Receipt

Transaction ID: 23127155
Submitted by: Diane Walter, Benjamin, Ronald R
Authorized by: Ronald R Benjamin, Benjamin, Ronald R
Authorize and file on: Dec 31 2008 5:51PM CST

Court: LA US District Court Eastern District E-Service-Vioxx
Division/Courtroom: N/A
Case Class: Civil-Vioxx
Case Type: Product Liability-Pharmaceutical(4)
Case Number: 2:05cv01089
Case Name: Agard, David et al vs Merck & Co Inc et al

Transaction Option: Serve Only - Public
Billing Reference: OConnor

Documents List

1 Document(s)

Attached Document, 2 Pages Document ID: 19026911

[PDF Format](#) | [Original Format](#)

Document Type: Other Court Filed Documents
Access: Secure Public
Statutory Fee: \$0.00
Linked:

Document title:
 Suggestion of Death Ronald OConnor

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☐ Sending Parties (2)

Party	Party Type	Attorney	Firm	Attorney Type
O'Connor, Karen	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge
O'Connor, Ronald R	Plaintiff	Benjamin, Ronald R	Benjamin, Ronald R	Attorney in Charge

☐ Recipients (19)

☐ Service List (19)

Delivery Option	Party	Party Type	Attorney	Firm	Attorney Type	Method
Service	Defendants Liaison Counsel	Defendant	Williams, Catherine Michelle Shelly	McCranie Sistrunk Anzelmo Hardy Maxwell & McDaniel	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E-Service
Service	Defendants Liaison Counsel	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Kleinberg, Norman C	Hughes Hubbard & Reed LLP-New York	Attorney in Charge	E-Service
Service	Merck & Co Inc	Defendant	Cohen, Charles W	Hughes Hubbard & Reed LLP-New York	National Counsel	E-Service
Service	Merck & Co Inc	Defendant	Beisner, John	OMelveny & Myers LLP-DC	Attorney in Charge	E-Service
				Hughes Hubbard & Reed	Attorney in	E-

Service	Merck & Co Inc	Defendant	Mayer, Theodore	LLP-New York	Charge	Service
Service	Merck & Co Inc	Defendant	Coronato, Wilfred P	Hughes Hubbard & Reed LLP-New York	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Miller, Jessica Davidson	OMelveny & Myers LLP-DC	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Bertaut, Carmelite	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wimberly, Dorothy H	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Wittmann, Phillip	Stone Pigman Walter Wittmann LLC	National Counsel	E- Service
Service	Merck & Co Inc	Defendant	Marvin, Douglas R	Williams & Connolly LLP	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Giamportone, Susan J	Womble Carlyle Sandridge & Rice PLLC-Winston-Salem	Attorney in Charge	E- Service
Service	Merck & Co Inc	Defendant	Mavroudis/973004, Dimitrios	Dechert LLP-Philadelphia	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Birchfield, Andy D	Beasley Allen Crow Methvin Portis & Miles PC	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Seeger, Christopher	Seeger Weiss LLP	Co-Counsel	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Davis, Leonard	Herman Herman Katz & Cotlar LLP	Attorney in Charge	E- Service
Service	Plaintiffs Liaison Counsel	Plaintiff	Herman, Russ	Herman Herman Katz & Cotlar LLP	Co-Counsel	E- Service

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☐ **Case Parties**

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