

<b>VIOXX SETTLEMENT PROGRAM CLAIMS ADMINISTRATION PROCEDURE</b>			
<b>Procedure Number</b>	<b>2008-8</b>	<b>Effective Date</b>	<b>October 24, 2008</b>
<b>Subject</b>	<b>Incompetent and Minor Claimants and Derivative Claimants</b>		

1. **Purpose of this Procedure.** This Procedure defines the documentation required with respect to Enrollment and processing of a claim relating to a Vioxx User Claimant or Derivative Claimant who: (a) lacks the legal capacity to act in his or her own behalf, pursuant to the law of the jurisdiction of the residence of the Vioxx User Claimant or Derivative Claimant, because of current mental and/or physical conditions (“Incompetent Claimant”); or (b) is under the age of legal capacity pursuant to the law of the jurisdiction of the residence of the Vioxx User Claimant or Derivative Claimant (“Minor Claimant”).

2. **Definitions and Section References.** Any capitalized terms used in this Procedure and not expressly defined in this Procedure shall have the meanings given to them in the Settlement Agreement. References to Sections are to sections of this Procedure, unless otherwise stated.

3. **Proof Required to Proceed Through Claims Evaluation.**

- (a) If a court has appointed a guardian or other authorized representative of the Incompetent Claimant or the Minor Claimant as legal guardian, guardian *ad litem*, next friend, or the like (the “Appointed Representative”), the Appointed Representative shall be authorized to pursue the Claim. The Appointed Representative shall be required to submit to the Claims Administrator a complete copy of the order or other document effectuating the appointment. No other documentation shall be required on the issue of Representative Claimant capacity for the person to act on behalf of the Incompetent Claimant or the Minor Claimant for the claim to proceed through the Settlement Program.
- (b) If no Appointed Representative has yet been appointed:
- (1) Primary Counsel or an unrepresented person pursuing the claim shall submit to the Claims Administrator a completed *Personal Representative: Incompetent or Minor Claimant Form (V2035)* identifying, under the law of the state or jurisdiction of the residence of the Incompetent Claimant or Minor Claimant, the person with authority to act on behalf of the Incompetent Claimant or Minor Claimant (such as a power of attorney, parent, person with legal custody, or next friend, or such other capacity as authorized by applicable law) (the “Designated Representative”), along with a copy of (a) the statute, code, or other law, if any, that grants such authority; and (b) any supporting documentation required by the law of the applicable jurisdiction to establish that the person is authorized to act on behalf of the Incompetent Claimant or Minor Claimant.

(2) Upon compliance with Section 3(b)(1), the Designated Representative shall be required to execute the Release of All Claims and the Medical Records Authorization Form on the Claim for the Incompetent Claimant or the Minor Claimant. If the Incompetent Claimant or Minor Claimant is a Vioxx User Claimant: (a) the Release must be so executed before the Claims Administrator issues a Notice of Points Award on the Claim; and (b) the Medical Records Authorization Form must be so executed before any Payment on the Claim. If the Incompetent Claimant or the Minor Claimant is a Derivative Claimant, the Release and the Medical Records Authorization must be so executed in accordance with Section 1.2.2.4 of the Settlement Agreement.

(c) Claimants in compliance with Section 3(a) or 3(b) shall proceed through the Claims Evaluation and the Claims Administrator may make Payments on the Claim without further proof of Representative Claimant capacity for the person to act on behalf of the Incompetent Claimant or the Minor Claimant.

**APPROVED:**

By: \_\_\_\_\_  
Counsel for Merck

Date: \_\_\_\_\_

Name: \_\_\_\_\_

By:  \_\_\_\_\_  
NPC Representative

Date: 10/24/08

Name: Andy Birchfield

By: \_\_\_\_\_  
Claims Administrator

Date: \_\_\_\_\_

Name: Orran L. Brown

(2) Upon compliance with Section 3(b)(1), the Designated Representative shall be required to execute the Release of All Claims and the Medical Records Authorization Form on the Claim for the Incompetent Claimant or the Minor Claimant. If the Incompetent Claimant or Minor Claimant is a Vioxx User Claimant: (a) the Release must be so executed before the Claims Administrator issues a Notice of Points Award on the Claim; and (b) the Medical Records Authorization Form must be so executed before any Payment on the Claim. If the Incompetent Claimant or the Minor Claimant is a Derivative Claimant, the Release and the Medical Records Authorization must be so executed in accordance with Section 1.2.2.4 of the Settlement Agreement.

(c) Claimants in compliance with Section 3(a) or 3(b) shall proceed through the Claims Evaluation and the Claims Administrator may make Payments on the Claim without further proof of Representative Claimant capacity for the person to act on behalf of the Incompetent Claimant or the Minor Claimant.

**APPROVED:**

By: Douglas R. Marvin  
Counsel for Merck

Date: Oct. 24, 2008

Name: DOUGLAS R. MARVIN

By: \_\_\_\_\_  
NPC Representative

Date: \_\_\_\_\_

Name: \_\_\_\_\_

By: Orran L. Brown  
Claims Administrator

Date: 10/24/08

Name: Orran L. Brown